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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 11th December 1962 :—

Issue No.	No. and Date	Issued by	Subject
356	S.O. 3722, dated 7th December, 1962.	Ministry of Commerce & Industry.	Amendment in the Exports (Control) Order, 1962.
357	S.Os. 3723, and 3724 dated 11th December, 1962.	Ministry of Information & Broadcasting.	Approval of films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 12th December 1962

S.O. 3799.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 23rd November, 1962, by the Election Tribunal II, Chandigarh, in Election Petitions Nos. 345 and 346 of 1962.

- (1) Election Petition No. 345 of 1962—Lachhman Singh Vs. Abdul Ghani and others.
- (2) Election Petition No. 346 of 1962—Abdul Ghani Vs. Anup Singh and others.

JUDGMENT

These are election petitions relating to the election to the Council of States by the elected members of the Legislative Assembly of Punjab held on the 29th March, 1962. Petition No. 345 of 1962 has been filed by Shri Lachhman Singh, M.L.A., and the other petition No. 346 of 1962 is the one filed by Shri Abdul Ghani. The allegations in both these petitions are the same and the prayer also is identical. Common questions of facts and law arise in both these cases and, therefore, the parties agreed that both these cases may be heard together and that the evidence in one case may be read as evidence in the other. Accordingly both these election petitions have been tried together and this common order disposes of both these petitions.

The polling in this constituency took place on the 29th March, 1962, and the votes polled for each of the candidates were as follows in the first count:—

1. Anup Singh	..	36
2. Chaman Lal	.	38
3. Abdul Ghani	..	35
4. Surjit Singh	..	33
5. Krishnamurthy	.	4

Ultimately the Returning Officer after transferring the preferences to various candidates computed the result as follows:—

1. Anup Singh	..	36.5
2. Chaman Lal	..	36.51
3. Surjit Singh	..	38.19
4. Abdul Ghani	..	35

The Returning Officer thereupon declared Sarvshri Anup Singh, Chaman Lal and Surjit Singh as duly elected to the Council of State. The petitioners claim that the election of the respondents Shri Anup Singh, Shri Chaman Lal and Shri Surjit Singh is void on the grounds that an appeal was made on the ground of religion to the voters not to vote for Shri Abdul Ghani petitioner who is Muslim by faith. Another ground on which the election was challenged was that they were guilty of corrupt practices of undue influence, bribery and interference in the free exercise of the right to vote by the electors inasmuch as they obtained the power and patronage of the Chief Minister Shri Partap Singh Kairon who with the consent and active connivance of the returned candidates detailed high government officials to aid and abet the commission of the aforesaid corrupt practices by the said returned candidates. Shri Abdul Ghani states that Shri Partap Singh Kairon is bitterly hostile and inimical to him as the petitioner while a member of the Punjab Legislative Assembly opposed him and his policies and actions which according to the petitioner amounted to favouritism, corruption and nepotism. It is alleged that in furtherance of the unlawful objects mentioned above, S. Partap Singh Kairon placed the services of S. Ujagar Singh, Superintendent of Police, C.I.D., at the disposal of Shri Surjit Singh respondent and on the 28th March, 1962, five legislators were summoned to the Mountview Hotel, Chandigarh, with the object of bribing and putting undue influence on them in order to coerce them into voting in favour of Shri Surjit respondent. It is alleged that the respondents are guilty of corrupt practices of bribery, by offering gratification and promises to the voters to vote for them and of making systematic appeals to vote in their favour and refrain from voting in favour of the petitioner Abdul Ghani on the ground of religion. It is further contended that the petitioner Abdul Ghani obtained 38 first preference votes and was thus entitled to be declared elected in the first count but the Returning Officer improperly rejected three votes polled in his favour as invalid. It is stated that the petitioner sent a telegram to the Election Commissioner against this action of the Returning Officer. Another contention raised in the petition is that at least three invalid votes were improperly received by the Returning Officer in favour of Doctor Anup Singh respondent in spite of the protests of Shri Abdul Ghani and that these three invalid votes are liable to be rejected and to be excluded from

the counting. This improper reception of invalid votes in favour of Doctor Anup Singh has materially affected the result of the election. It is further urged that the Returning Officer illegally issued a second ballot paper to Shrimati Parsini Devi an elector in violation of the rules. Shrimati Parsini Devi, it is alleged, had already been issued a ballot paper, which she had marked according to her own choice and the paper was not spoiled within the meaning of the law and it could not be said that it could not be used conveniently as a ballot paper. This non-compliance of the rules is also alleged to have materially affected the result of the election. It is further stated that Doctor Anup Singh respondent was not an elector in any of the Parliamentary constituencies of the Punjab State and was thus not qualified to be chosen for election to the Council of States under the Constitution and the Representation of the People Act, 1951. His nomination, therefore, had been improperly accepted and this wrong acceptance of the nomination paper has materially affected the result of the election. The petitioners pray that the election of the respondents, Shri Anup Singh, Shri Chaman Lal and Shri Surjit Singh be set aside and declared void and that Shri Abdul Ghani be declared elected to the Council or States.

Written statements have been filed by Shri Anup Singh, Shri Chaman Lal and Shri Surjit Singh. The various allegations made by the petitioners about corrupt practices, wrong reception of votes cast in favour of the petitioner Shri Abdul Ghani and other allegations on which the petitioners base their claim for declaring the election of the successful candidates as void and on which they claim that Abdul Ghani should be declared elected were all denied by the respondents. It was said that the allegations made were wrong and that the Returning Officer consistently acted according to law and that there is no improper rejection or acceptance of votes by him. Objections were also taken to the validity of the affidavit filed along with the petition and it was contended that the petitions did not comply with the requirements of Sections 80 and 81 of the Representation of the Peoples Act, 1951, inasmuch as the copies of the petitions supplied to the respondents did not bear the attestation by the petitioner under his own signatures saying that they were true copies of the petition. It was further contended that the annexures were not supplied and that according to law the annexures supplied to the Election Commission along with the original petition as well as those copies of the annexures which were required by law to be sent to the respondents should have been properly verified as true copies by the petitioner under their own signatures, according to Section 83 of the Representation of the People Act, 1951. The respondents urged that the petitions were liable to be dismissed.

After considering the petitions and the written statements, the following issues were framed:—

1. Whether the copies filed with the petition were not attested according to law and the petition was, therefore, not validly presented?
2. Whether the annexures to the petition were not signed and verified and attested? If so, how does it affect the petition?
3. Whether the three returned candidates resorted to corrupt practice of appeal on the ground of religion as alleged in the petition?
4. Whether the three returned candidates resorted to the corrupt practices of promotion of feelings of enmity or hatred between different classes of citizens of India on the ground of religion?
5. Whether Doctor Anup Singh was not qualified to be elected? If so, how does it affect the election?
6. Whether a fresh ballot paper was wrongly issued to Shrimati Parsini Devi as alleged in the petition and if so whether it materially affected the result of the election?
7. Whether three ballot papers in which votes had been cast in favour of Shri Abdul Ghani petitioner were wrongly rejected as invalid and some ballot papers in which votes had been cast in favour of Doctor Anup Singh were wrongly accepted as valid though they were invalid? How do these facts affect the result of the election?
8. Whether an attempt was made by S. Surjit Singh Atwal, respondent No. 3, to bribe S. Kultar Singh a voter as alleged in the petition?
9. Whether S. Partap Singh Kairon, Chief Minister and S. Ujagar Singh, Superintendent of Police, C.I.D., exercised undue influence on the electors in favour of S. Surjit Singh? If so, whether this materially affected the result of the election or vitiated the election of the successful respondents or any of them?

10. Whether the petition contained allegations of corrupt practices and because it is not accompanied by the required affidavit, it should be rejected?

On a request made by the respondents issues 1 and 2 in both these cases were taken up for consideration on the 24th October, 1962, as preliminary issues. After hearing learned counsel for the parties at some length and after giving due consideration to the points urged an order dated the 9th November, 1962, was passed in which it was held that it was difficult to hold that the copies filed with the election petition and sent to the respondents were not true copies and it was found in the instant case that there was substantial compliance of the provisions of Section 81(3) of the Representation of the People Act. It was also found that the copies of the petition sent to the respondents were carbon copies of the petition signed on each page by the petitioner and that the want of a certificate did not vitiate the petition. Relating to the other issue it was found that the annexures of the petition were signed and verified and that the petition was not vitiated because of the manner in which the annexures were verified.

The petitioner relied mainly on the documentary evidence consisting of the ballot papers, which were summoned from the Secretary, Punjab Vidhan Sabha. Shri Charanjit Lal, Secretary, Punjab Vidhan Sabha, was examined as a witness on behalf of the petitioners and Shri Abdul Ghani petitioner also appeared and gave evidence. On behalf of the respondents the only witness examined was Shri Sham Singh, Record Keeper of the Office of the Chief Electoral Officer, Punjab. Doctor Anup Singh appeared and gave evidence.

The case was ably argued at length by Mr. Rajinder Sachar for the petitioner, Shri Abdul Ghani. Shri Bedi, learned Counsel for Shri Lachhman Singh adopted his arguments. Mr. Jagan Nath Kaushal addressed elaborate arguments on behalf of the respondent. In the light of the material on the record and the arguments addressed, the other issues are disposed of as follows:—

Issues Nos. 3, 4, 8, 9 and 10.

At the very inception of his arguments, learned counsel for the petitioners stated that the petitions cannot be pressed as against Diwan Chaman Lal and Shri Surjit Singh respondents and that they would not rely on any allegation of the corrupt practice of undue influence or bribery etc. No evidence was produced relating to the allegations to which these issues relate. In fact, therefore, no finding is called for on these issues as they were not pressed at all. In view of the petitioner's stand, learned counsel for the respondent also did not ask for any finding to be recorded on these issues.

Issue No. 5.

From the evidence of Shri Sham Singh and the electoral roll produced by him, it is clearly proved that Doctor Anup Singh is entered as an elector in the parliamentary constituency for Tarn Taran and that his number on the roll is 25. No evidence was given in rebuttal. It is, therefore, held that Doctor Anup Singh was qualified to be elected.

Issue No. 6.

It is alleged that Shrimati Parsini Devi, who was an elector, asked the Returning Officer for a fresh ballot paper on the ground that the ballot paper issued to her was spoiled. This ballot paper said to have been spoiled was summoned from the Secretary, Vidhan Sabha and marked as Ex. P-5. Learned counsel for the petitioner referred to rule 41 of the Conduct of Election Rules, 1961, and said that in the instant case the ballot paper Ex. P-5 could not be said to be spoiled within the meaning of this rule. Rule 41 reads as follows:—

Rule 41. Spoilt and returned ballot papers.—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "SPOILT: CANCELLED" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned shall be marked as "RETURNED: CANCELLED" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

Mr. Sachar contended that before a ballot paper could be considered as 'spoilt' within the meaning of this rule so as to justify the issue of a fresh ballot paper to the voter concerned it was necessary that certain conditions imposed by this rule should be satisfied. The first essential condition was that the ballot paper should have been dealt with in such a manner by the elector that it could not be conveniently used as a ballot paper. The second condition according to learned counsel is that the elector should have done so 'inadvertently'. In the present case Shrimati Parsini Devi had indicated her choice of the candidates by using the ballot paper in the manner she considered proper. She in fact used it as a ballot paper and, therefore, she had written against the candidates she preferred in Hindi "Pehla, Doosra, Teesra" thus indicating her first preference, second preference and third preference. Learned counsel contended that it was not correct to say that she had spoiled the paper inadvertently; what she had done was in the exercise of a right which she had as a voter and in the circumstances the ballot paper could not be said to be spoiled. It was contended that if such cases are considered to be cases of spoiled ballot papers all ballot papers which are found to be invalid because of the erroneous manner in which the electors record their votes should be treated as spoiled and it should then be possible for the voters to place their marked ballot papers before the presiding officer and tell him that by marking the ballot papers in that manner they had spoiled them and that fresh ballot papers should be issued to them. In each such case the presiding officer will have to form some opinion forthwith as to whether the ballot paper was or was not wrongly used and in doing so he would be doing something which he has to do only at the time of scrutiny of the ballot papers and counting. At the last mentioned stage candidates and their agents have the opportunity of giving assistance to the returning officer by raising objections and expressing their own views about the validity or otherwise of the votes polled and when the Returning Officer decides the matter after hearing such objections he has the assistance of the parties concerned whereas in allowing a fresh ballot paper to an elector when an elector claims the ballot paper to be spoiled he has to do so unaided and on the basis of his own views which may or may not be correct. It is possible that an elector wrongly feels that the ballot paper has been incorrectly marked by him and the Returning Officer also incorrectly agrees with the elector. It is also possible that a fresh ballot paper may not be properly used and may turn out to be invalid. The candidate concerned might in such a case lose the advantage of the vote originally recorded in the ballot paper which was erroneously considered by the elector and by the Returning Officer to be invalid. Learned counsel contended that the use of a ballot paper for recording voter incorrectly is not spoiling of a ballot paper and the ballot paper which was issued to Shrimati Parsini Devi should not have been issued to her and that it is possible that this vote has not been cast in favour of Doctor Anup Singh.

Learned counsel for the respondent urged that the elector himself is the person who may judge as to whether the ballot paper is or is not spoiled and all that the Returning Officer has to be satisfied about it whether the ballot paper has been spoiled inadvertently. Learned counsel contended that unless the ballot paper is actually put into the ballot box it did not amount to a vote cast and an elector should not be denied the right of taking a final decision and ultimately casting his vote simply either because of a wrong notion as to the manner of voting or due to some physical handicap such as inadequate sight or shaking of the hand or any other extraneous cause the paper on which the elector is to record his vote is spoiled in his view.

The question as to whether the Returning Officer was or was not right in issuing a fresh ballot paper does not, in the present case, affect the result of the election. The paper which was spoiled has not been taken into account at the counting. The ballot paper which was freshly issued to Shrimati Parsini Devi by the Returning Officer could at best be counted only as one vote and there is no rule under which such a ballot paper may be treated as invalid. Rule 73(2) says:—

Rule 76(2).—A ballot paper shall be invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) the figure 1 and some other figures are set opposite the name of the same candidate; or

(d) there is any mark or writing by which the elector can be identified.

The fresh ballot paper used by Shrimati Parsini Devi for casting her vote was thus not a ballot paper which could be considered as invalid under the provisions of the above rule. The question, therefore, raised does not appear to be of any importance. Besides, in the instant case from the electoral roll (Ex. P-6) it appears that Shrimati Parsini Devi was first issued ballot paper No. 973. This was cancelled and a fresh ballot paper No. 976 was issued to her. Ex. P-5 is the spoiled ballot paper No. 973. Ballot paper No. 976 which was the fresh ballot paper issued is Ex. P-75. This learned counsel for the respondent has conceded is invalid because the figure 1 is not marked there at all. The question raised, therefore, is of no significance in this case.

In the light of the above discussion, I am of the view that the fresh ballot paper was not wrongly issued to Shrimati Parsini Devi and that the issue of the fresh ballot paper did not affect the result of the election at all.

Issue No. 7

This issue may be considered in two parts. The first relating to the alleged improper rejection as invalid of votes cast in favour of Shri Abdul Ghani, the petitioner, and the other part being about the wrong acceptance as valid of votes cast in favour of Doctor Anup Singh, which were invalid.

Ex. P-1, P-2, and P-3 are the ballot papers in which first preference votes appear to have been cast in favour of the petitioner, Shri Abdul Ghani, and they were rejected as invalid. Ex. P-1 bears a cross mark in the column pertaining to the petitioner Abdul Ghani. The paper does not bear any other mark. It is obviously invalid because it is not marked with the figure 1 and must be treated as invalid under rule 73(2) quoted above. Mr. Sachar, learned counsel for the petitioner has fairly conceded that if the rule is to be taken as mandatory this ballot paper was rightly rejected. He, however, argued that the intention of the voter was clear. In making the cross mark against Abdul Ghani and in not marking any mark against the name of any other candidate, the elector had unmistakably indicated that he wanted to vote for Abdul Ghani.

In *H. V. Kamath versus Ahmad Ishaque and others*, 1955 Supreme Court, page 233, the Supreme Court has laid down that where the Statute provides a penalty for non-compliance of a rule, the rule should be taken to be mandatory. At page 245 Venkatarama Ayyar J. observed—

"The practical bearing of the distinction between a provision which is mandatory and one which is directory is that while the former must be strictly observed, in the case of the latter it is sufficient that it is substantially complied with. How is this rule to be worked when the rule provides that a ballot paper shall be rejected? There can be no degrees of compliance so far as rejection is concerned, and that is conclusive to show that the provision is mandatory".

At page 248 the learned Judge further lays down:—

"But when the Law prescribes that the intention should be expressed in a particular manner, it can be taken into account only if it is so expressed. An intention not duly expressed is, in a Court of Law, in the same position as an intention not expressed at all".

Rule 73(2) is clear and leaves no scope for the exercise of any discretion. Ex. P-1 which does not bear the figure 1 must, therefore, be treated as invalid. The Returning Officer was right in rejecting this vote.

Ex. P-2 is a ballot paper in which against the name of Shri Abdul Ghani there is a cross mark and against the name of Shri Surjit Singh the figure 2 is recorded. Mr. Sachar contended that this ballot paper clearly showed that while the elector wanted to give his second preference to Shri Surjit Singh, he placed a cross mark against the name of Shri Abdul Ghani as indicative of his first preference for him. For the reason that this ballot paper also does not bear the figure 1, I am of the view that it was rightly rejected as invalid by the Returning Officer. Ex. P-3 is a ballot paper which is marked with the figure 1 but the figure 1 has been marked in the column pertaining to Shri Abdul Ghani and also in the column pertaining to Shri Harbans Singh. The same figure having been placed against the names of two candidates the ballot paper is invalid under rule 73 (2)(b). The next part of this issue, therefore, must be answered in the negative.

Ex. P-75 which is not marked with the figure 1 at all has been fairly conceded by Mr. Kaushal to be invalid. Mr. Sachar attacks the acceptance of four other ballot papers Ex. P-73, P-74, P-76 and P-77 and contends that if these votes or even one of them is found to be invalid the number of votes found by the Returning Officer to have been cast in favour of Doctor Anup Singh will be found to be less than the number of votes cast in favour of Shri Abdul Ghani, which would justify the avoidance of the election of Doctor Anup Singh and the declaration of Shri Abdul Ghani as duly elected to the Council of States. In Ex. P-73, figure 1 is marked in the column pertaining to Doctor Anup Singh, Figure 2 is marked in the column pertaining to Surjit Singh and figure 3 is marked against the name of Shri Chaman Lal. So far there is no objection to the validity of this ballot paper. Against 1 there appears to have been marked a cross which with the same pencil was scored out by a large number of lines so as to obliterate the cross mark. Evidently the elector instead of marking the ballot paper in the manner required by the rules appears to have started putting a cross mark as was done in other elections. It also appears that he immediately realised the mistake and obliterated the cross mark with the same pencil. None of the tests mentioned in rule 73 appear to apply to this ballot paper and it appears difficult to hold that this ballot paper is invalid.

The validity of Ex. P-77 was challenged on the ground that the figure 2 had been set against the names of two candidates. The contention is based on a misreading of the figures. I have examined them carefully and am of the view that 2 is written only once, the other figure is 3 badly written but is not 2.

Some days after the arguments were over but before this order was pronounced Shri Abdul Ghani moved an application inviting the attention of the Tribunal to the decision of a Division Bench of the Punjab High Court reported in LXIV-1962 THE PUNJAB LAW REPORTER, 1110, PALA SINGH Vs NATHI SINGH AND OTHERS, where the learned Judges have laid down that if the voter could disclose to the candidate that his ballot paper could be identified because of some peculiar mark made by him on the ballot paper, the ballot paper should be treated as invalid. Mr. Kaushal, learned counsel for the respondents was informed and Counsel for the parties were heard again on the 22nd November, 1962, on the effect of this ruling on this case. It was contended by the petitioner that the rule laid in this case was applicable to Ex. P-74 and P-76.

Ex. P-74 is a ballot paper in which the figures 1, 2 and 3 are marked in the columns pertaining to Doctor Anup Singh, Shri Surjit Singh and Shri Chaman Lal but in addition to these a cross mark has also been made in each of these three columns. Ex. P-76 bears the figures 1, 2, 3 in the columns pertaining to Doctor Anup Singh, Shri Surjit Singh and Shri Chaman Lal but in addition to these, there are cross marks in each of these three columns and the words 'ONE', 'TWO' & 'THREE' are also written between the cross marks and the figures.

The objection relating to Ex. P-74 and P-76 is that these ballot papers fall within the mischief of rule 73(2)(d), as Ex. P-73 bears a mark and Ex. P-76 bears both a mark and a writing by which the elector can be identified.

Mr. Sachar referred to WOODWARD VERSUS SARSONS, 1874 Law Reports Common Pleas Division Volume 10, page 736, where the validity of certain votes cast in Birmingham Municipal Elections came up for consideration. Some ballot papers bore the name of Sarsons written against his name as printed upon the ballot papers, some had two crosses marked instead of one as required by the rules, one ballot paper had three crosses instead of one, one ballot paper was marked with a straight stroke in addition to a cross, one ballot paper was marked with a letter P in addition to the cross, one ballot paper had a blurred line instead of a cross, one ballot paper was marked with a star instead of a cross, one ballot paper had a pencil line running opposite that of Sarsons, eight ballot papers were marked with a cross placed on the left instead of right side of the candidate's name as provided in the rules and one ballot paper bore the voter's signature. Lord Coleridge C. J., in his elaborate judgment considered the rules and summed them up as follows:—

"The result seems to be, as to writing or mark on the ballot paper, that, if there be substantially a want of any mark, or a mark which leaves it uncertain whether the voter intended to vote at all or for which candidate he intended to vote, or if there be marks indicating that the voter has voted for too many candidates, or a writing or a mark by which the voter can be identified, then the ballot

paper is void, and is not to be counted; or, to put the matter affirmatively, the paper must be marked so as to show that the voter intended to vote for some one, and so as to show for which of the candidates he intended to vote. It must not be marked so as to show that he intended to vote for more candidates than he is entitled to vote for, nor so as to leave it uncertain whether he intended to vote at all or for which candidate he intended to vote, nor so as to make it possible, by seeing the paper itself, or by reference to other available facts, to identify the way in which he has voted".

Applying the rules so enunciated the learned Chief Justice accepted the votes in which two or three crosses were marked and also those in which in addition to a cross there was a line or there was the letter P but the ballot papers which did not bear the cross mark were found by him to be invalid. The learned Chief Justice observed:—"But we cannot think that the mere fact of two crosses being placed as in No. 433 or as in 1928, ought to vitiate the ballot paper. There can be no doubt as to the intention to vote, and no doubt as to the intention to vote emphatically for the one candidate". The learned Judge thus went on to consider under what circumstances such peculiar marks can lead to identification. He observed that if these peculiar marks had been added in pursuance of an arrangement between the candidate and the voter the ballot paper could certainly be rejected. He observed—"If there were evidence of an arrangement that the voter would place two marks, so as to indicate that it was he, that voter, who had used that ballot paper, then, by reason of such evidence such double mark would be a mark by which the voter could be identified, and then the paper, upon such proof being made, should be rejected. But the mere fact of there being two such crosses is not in our judgment a substantial breach of the statute and we think the same reasoning applies to Nos. 117, 155, 190, 505, 174, 183, 842, 1413, in which the cross is placed on the left hand side of the candidate's name, instead of on the right hand side".

Two ballot papers 845 and 889 bore the names Sarsons opposite the name of Sarsons printed on such ballot papers. Regarding them the Learned Chief Justice observed—"We, with some hesitation disallow Nos. 844 and 889. There is no cross at all, and we yield to the suggestive rule that the writing by the voter of the name of the candidate may give too much facility, by reason of the handwriting, to identify the voter".

Mr. Sachar contends that in the instant case ballot paper Ex. P-76 had the writing of the elector when he wrote the words 'ONE', 'TWO' and 'THREE' against the names of the candidates for whom he voted in addition to the figures 1, 2 and 3. Learned Counsel says that the voter could be identified from his own handwriting and, therefore, ballot paper Ex. P-76 atleast must be held to be invalid. Learned Counsel also referred to a decision of the King's Bench Division in LEWIS Vs. SHEPPERDSON, 1948 (II) All England Law Reports page 503. This was a case where a ballot paper bore initials F.G. on it. This was held to be invalid as the identity of the elector could be discovered from these initials. It is not expressly mentioned in the Report as to what these initials indicated but possibly they indicated the name of the elector. Learned Counsel referred to the observations of the Supreme Court in KAMATHS case mentioned above and urged that the particular manner in which a vote had to be recorded was a matter essential.

Mr. Kaushal learned Counsel for the respondent also relied on these observations of the Supreme Court and contended that the statutory requirement of figure 1 being there on a ballot paper the law was satisfied. In the instant case it could not be said that the elector had not expressed his opinion in the particular manner prescribed by the law. It could not, therefore, be said when he had expressed his opinion by marking the ballot paper with 1, 2 and 3 that he had not expressed his opinion properly and should be taken as not having expressed his opinion at all. All that can be said is that the electors who recorded their votes on Exs. P-74 and P-76 had done something more. In one case an elector had added a cross against each of the figures 1, 2 and 3 and Mr. Kaushal said that this he had done to make himself doubly sure. In the same way to make himself trebly sure the elector who marked Ex. P-76 had added a cross to the figures 1, 2 and 3 and also written 'ONE', 'TWO', 'THREE' on the ballot paper. These additional marks or writings were not suggested to have been made in pursuance of any previous arrangement. Mr. Kaushal contends that these ballot papers could not be considered invalid simply because the electors had expressed their choice more emphatically. Learned Counsel referred to Sarsons case and said that according to Lord Coleridge, C.J., Ex. P-74 was valid. Relating to Ex. P-76 Mr. Kaushal contended

that though it bore the writing of the elector there was nothing to suggest that that alone was sufficient to disclose the identity of the voter. On this point there was some discussion at the bar as to whether the mark or writing on a ballot paper should by itself be sufficient material from which the elector can be identified or whether other material may also be used for such identification. Further, there was discussion on the point as to whether that other material should be such as is available to the Returning Officer or the Tribunal from the records or may be such material as may be collected during an investigation or enquiry on which the Returning Officer or subsequently the Tribunal or the High Court may choose to embark. Learned Counsel said that unless the admitted or proved handwritings of all the electors were collected and experts examined, it could not be possible to identify the elector who had used ballot paper Ex. P-76. In support of his arguments relating to the validity of these ballot papers Mr. Kaushal referred to a decision of an Election Tribunal in **SOHAN LAL VERSUS ABINASH CHANDER**, IV Election Law Reports, page 55, where a horizontal line like a dash had been drawn after a cross. The learned Members held that this ballot paper could not be rejected as the horizontal line was in no way material and in any case that was not a mark from which the voter could be identified and the chance of there being any arrangement between the voter and any candidate was excluded. He also referred to a decision of another Tribunal in **SHAH SANKALCHAND VERSUS SHUKLA DAMUBHAI**, XII Election Law Reports, 184, where a cross had been put in addition to the figure 1 against a candidate's name and the learned Members held that this did not render the ballot paper invalid under the rules. Mr. Kaushal also referred to **HALSBURY'S Laws of England III Edition, Volume 14, page 138**. The learned author writes—"The writing or mark must be such that the voter can be, (and not merely might possibly be) identified As respects ballot papers which have names, initials, figures or other possible marks of identification on them by which it might be suggested that the voter could be identified, it has been said that the court should look at the paper and form its own opinion whether what is there has been put there by the voter for the purposes of indicating for whom he votes; if the voter has not voted in the proper way (if for example, he has made two crosses, or some other such marks which might have been intended for purposes of identification), but the court comes to the conclusion on looking at the paper that the real thing that the voter has been doing is to try, badly or mistakenly, to give his vote, and make it clear for whom he voted, then these marks should not be considered to be marks of identification unless there is some positive evidence of some agreement to show that it was so, but where a ballot paper has got something clearly going beyond the intention to indicate for whom the voter voted, then it is bad".

After hearing learned Counsel, it is clear that there is no suggestion in the instant case of any previous arrangement or agreement and on the material on record and from the ballot papers I am not prepared to hold that the marks or writing on Exhs. P-74 and P-76 were intended to be marks of identification. It does appear that the real thing that the voters tried to do on these ballot papers was to record their votes though it may be said that they had done it 'mistakenly'.

It, however, appears that there is little scope for this Tribunal to entertain these arguments in view of the decision of a Division Bench of the Punjab High Court in **PALA SINGH'S** case mentioned above. In that case putting the cross mark on the **SYMBOL**, instead of doing so against the symbol in the column meant for it was held to be fatal. This was based not on the ground that the manner prescribed had not been adhered to but as falling within the 'identification' rule. **Mehr Singh J.** held—"It is obvious that the voter could say that his ballot paper can be identified and thus his identity as a voter in favour of a particular candidate can be found out by merely looking at a ballot paper and because of his having crossed the symbol of the particular candidate. This is patent and it is this that the learned prescribed authority has completely ignored.———This peculiar marking of the ballot paper laid bare the identity of the voter as soon as he disclosed the manner of his voting".

Mr. Kaushal argued that the mere marking of the cross on the symbols was not in itself enough to disclose the identity of the elector. The learned Judges have further felt the necessity of assuming that the said elector would himself disclose the fact of his having marked the ballot paper in that manner to the candidate concerned. Learned counsel contended that, therefore, the disclosure of the identity of the elector may be due not so much to the peculiar manner of his marking the ballot paper as to the disclosure that he may himself chose to make. Learned Counsel laid emphasis on the words 'by which' in rule 73(2)(d) as limiting the mischief to the mark or writing and contended that any further enquiry for collecting evidence etc. was ruled out. It was further contended that the question as to whether the mark or writing was such as would disclose

the identity of the elector is a question of fact which has to be found in each case. In the case cited, however, the learned Judges have observed. "This is patent and it is this that the learned prescribed authority has completely ignored. The facts being undisputed the question raised is one of law as to non application of rule 17 on accepted facts." I fear it is not open to me to accept these arguments in view of Pala Singh's case. It is not possible for me to hold that if the electors had told the candidates concerned about the marks or writing on their ballot papers they could not be identified. In the case of Ex. P-76 it is possible further to say that in the small constituency to which this election relates the elector could be identified by his writing at least by those of his colleagues in the Assembly who had seen him writing or had other reasons to know his hand writing. After giving due consideration to the facts of the case and the arguments, I feel bound to follow the decision of the Punjab High Court in Pala Singh's case. Exs. P-74 and P-76 are, therefore, held to be invalid and these votes should not have been accepted by the Returning Officer. As a result of the exclusion of these two votes the number of votes secured by Dr. Anup Singh are reduced from 36.3 to 34.3. Excluding P.75 also which has been found to be invalid earlier in this order, Dr. Anup Singh's votes come to 33.3. This is less than 35, the number of votes secured by Shri Abdul Ghani, the petitioner. As a result, Doctor Anup Singh's election stands avoided and Shri Abdul Ghani has to be declared elected in his place.

Mr. Sachher, stated at the commencement of his arguments and to this Mr. Bedi also agreed that on the material on record the petitioners cannot press their petitions against Diwan Chaman Lal and Shri Surjit Singh and that the petitions are pressed only against Doctor Anup Singh. As a result of the findings recorded above, the election of Doctor Anup Singh to the Council of States is set aside and declared void and Shri Abdul Ghani petitioner in petition No. 346 of 1962 is declared elected to the Council of States. Both the petitions are dismissed against Shri Chaman Lal and Shri Surjit Singh.

In the circumstances of the case, in election petition No. 345 of 1962, the petitioner will get Rs. 200 as costs from Doctor Anup Singh and he will pay Rs. 200 to Shri Chaman Lal and Rs. 200 to Shri Surjit Singh as costs. In election petition No. 346 of 1962, Shri Abdul Ghani will get Rs. 500 as costs from Doctor Anup Singh and he will pay Rs. 200 as costs to Shri Chaman Lal and a sum of Rs. 200 as costs to Shri Surjit Singh.

(Sd.) ILLEGIBLE,

D/23-11-1962.

Member, Election Tribunal II, Chandigarh.

[No. 82/345-346/62.]

By order,

A. N. SEN, Under Secy.

New Delhi, the 14th December 1962

S.O 3800—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said section of the said Act:—

SCHEDULE

Name and address of the disqualified candidate	Serial No. and name of constituency	Commission's notification No. and date under which disqualified
1	2	3
Shri K. B Menon, P.S.P. Office, Puthiyara, Calicut-4.	3-Badagara	KL-HP/3/62(2) dated the 16th July, 1962.

[No. KL-HP/3/62(2-R)/73824.]

By Order,

PRAKASH NARAIN, Secy

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th December 1962

S.O. 3801.—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59-(V)-P. IV, dated the 13th July, 1962 (G.S.R. No. 991, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 28th July 1962), the Central Government is pleased to specify Her Highness Azizuzzamnah Begam Saheba wife of His Highness Nawab Mohammed Ismail Ali Khan Sahib Bahadur, Ruler of Tonk for the purpose of that entry and directs that the exemption shall be valid in respect of one gun/rifle and one pistol/revolver only.

[No. 16/7/62-P.IV.]

S. K. SINGH, Under Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 13th December 1962

S.O. 3802—Statement of the Affairs of the Reserve Bank of India, as on the 7th December 1962.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	13,16,38,000
Reserve Fund	80,00,00,000	Rupee Coin	2,71,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	2,22,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
		(a) Loans and Advances to :—	
		(i) State Governments	23,92,00,000
		(ii) State Co-operative Banks	11,47,96,000
		(iii) Central Land Mortgage Banks
		(b) Investment in Central Land Mortgage Bank Debentures	2,84,88,000
Deposits :—		National Agricultural Credit (Stabilisation) Fund
(a) Government		Loans and Advances to State Co-operative Banks
(i) Central Government	54,13,66,000	Bills purchased and Discounted :—	
(ii) State Governments	21,26,24,000	(a) Internal
(b) Banks		(b) External
(i) Scheduled Banks	72,36,14,000	(c) Government Treasury Bills	1,06,59,51,000
(ii) State Co-operative Banks	1,73,33,000	Balances held Abroad*	8,70,08,000
(iii) Other Banks	6,09,000	Loans and Advances to Governments**	6,99,00,000
(c) Others	1,65,28,32,000	Loans and Advances to :—	
Bills Payable	32,68,22,000	(i) Scheduled Banks†	29,88,65,000
Other Liabilities	39,67,63,000	(ii) State Co-operative Banks††	13,50,76,20,000
		(iii) Others	1,76,82,000
		Investments	167,51,46,000
		Other Assets	32,29,34,000
Rupees	540,19,63,000	Rupees	540,19,63,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

† Includes Rs. 17,38,00,000 advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of December, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of December 1962.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	13,16,38,000		Gold Coin and Bullion :—		
Notes in circulation	2122,59,02,000		(a) Held in India	117,76,10,000	
Total Notes issued		2135,75,40,000	(b) Held outside India	88,08,43,000	
			Foreign Securities		
			TOTAL		205,84,53,000
			Rupee Coin		121,61,77,000
			Government of India Rupee Securities		1808,29,10,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2135,75,40,000	TOTAL ASSETS		2135,75,40,000

Dated the 12th day of December, 1962.

M. V. RANGACHARI,
Dy. Governor

[No. F. 3(2)-BC/62.]

A. BAKSI, Jr. Secy.

(Department of Economic Affairs)*New Delhi, the 14th December 1962*

S.O. 3803.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the name of the following public institution shall be added to the Schedule to the said Act, namely:—

“The Indian Investment Centre, New Delhi.”

[No. F. 15/10/62-TCM.]

S.O. 3804.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Indian Investment Centre, New Delhi.

[No. F. 15/10/62-TCM.]

M. C. SODHIA, Under Secy.

(Department of Economic Affairs)*New Delhi, the 17th December 1962*

S.O. 3805.—In exercise of the powers conferred by section 6 of the Metal Tokens Act, 1889 (1 of 1889), the Central Government hereby makes the following amendments to the notification of the Government of India in the late Department of Finance and Commerce No. 625, dated the 1st February, 1889, relating to the prohibition of import of copper pieces or of mixed metals and of making of metal tokens intended to be used as money, namely:—

In paragraph 2 of the said notification, for the words “British India” wherever they occur, the word “India” shall be substituted.

[No. F. 3(49)-C&C/61.]

D. N. GHOSH, Dy. Secy.

(Department of Revenue)**STAMPS***New Delhi, the 22nd December 1962*

S.O. 3806.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which promissory notes executed by borrowers in India in favour of the Kreditanstalt Für Wiederaufbau, Frankfurt/Main, Germany, are chargeable under the said Act.

[No. 15.]

M. G. VAIDYA, Under Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 15th December 1962*

S.O. 3807.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 1497 (No. 24-Income-tax, dated the 14th May 1962), namely:—

In the Schedule annexed to the said notification in column 2 against ‘C’ Range, Ahmedabad and Jamnagar Range, the following shall be substituted, namely:—

‘C’ Range, Ahmedabad

1. Special Survey Circle, Ahmedabad.
2. Circle IV, Ahmedabad.
3. Palanpur Circle.
4. Patan Circle.
5. Ward-A of Porbandar Circle, Porbandar.

Jamnagar

1. Jamnagar Circle, Jamnagar.
2. Porbandar Circle (excluding Ward-A of Porbandar Circle, Porbandar).

This notification shall take effect from 15th December, 1962.

Explanatory Note

These amendments have become necessary on account of the re-organisation of the Appellate Ranges in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 89 (F. No. 50/6/62-IT).]

New Delhi, the 17th December 1962

S.O. 3808.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Revenue directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards, and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-Tax Circles, Wards and Districts
1	2
'A' Range, Bombay	<ol style="list-style-type: none"> 1. A-I Ward. 2. A-IV Ward.
'B' Range, Bombay	<ol style="list-style-type: none"> 1. Companies Circle II (All Sections) 2. C-II Ward.
'C' Range, Bombay	<ol style="list-style-type: none"> 1. Companies Circle IV (All Sections). 2. Non-Resident's Refund Circle.
'D' Range, Bombay	<ol style="list-style-type: none"> 1. Market Ward. 2. Special Survey Circle I. 3. Bombay Refund Circle.
'E' Range, Bombay	<ol style="list-style-type: none"> 1. G-Ward. 2. C-I Ward.
'F' Range, Bombay	<ol style="list-style-type: none"> 1. C-III Ward. 2. E-Ward. 3. Special Survey Circle III.
'G' Range, Bombay	<ol style="list-style-type: none"> 1. C-IV Ward. 2. Special Survey Circle IV. 3. Special Survey Circle V. 4. Bombay Suburban District (East). 5. Bombay Suburban District (West).
'H' Range, Bombay	<ol style="list-style-type: none"> 1. B-III Ward, Bombay. 2. B-II Ward. 3. Special Survey Circle II. 4. A-II Ward.

Range 1	Income-Tax Circles, Wards and Districts 2
<hr/>	
'K' Range, Bombay	<ol style="list-style-type: none"> 1. D-I Ward. 2. D-II Ward. 3. Evacuee Circle II. 4. B-I Ward.
'L' Range, Bombay	<ol style="list-style-type: none"> 1. Companies Circle [(All Sections except Companies Circle III (6))].
'P' Range, Bombay	<ol style="list-style-type: none"> 1. A-III Ward. 2. Companies Circle I (All Sections). 3. Salaries Branch I. 4. Salaries Branch II.
'S' Range, Bombay	<ol style="list-style-type: none"> 1. Bombay Circle. 2. Companies Circle III (6). 3. Foreign Section. 4. Evacuee Circle I. 5. Special Investigation Branch. 6. A-V Ward.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1st January 1963.

EXPLANATORY NOTE

The amendments have become necessary on account of the re-organisation of the Appellate Ranges in the Commissioner's charge.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 90(F. No. 50/5/62-IT).]

J. RAMA IYER, Under Secy.

CENTRAL EXCISE COLLECTORATE: NEW DELHI

CENTRAL EXCISES

New Delhi, the 13th December 1962

S.O. 3809.—In exercise of the powers conferred upon me under Rule 200 of Central Excise Rules, 1944, I hereby authorise the Central Excise Officers of Rank not below that of an Inspector, who is in Central Excise uniform or who possesses a card showing his identity to require any person who is in immediate possession, control or use of any vessel, cart, or other means of conveyance, to stop such vessel, cart, or other means of conveyance and to search it, for excisable goods, saltpetre, composition for match-heads or splints and veneers for the manufacture of matches, and to seize and remove or detain any such goods or articles in respect of which it appears to him that duty should have but has not been levied or that any contravention of the provisions of the Central Excise and Salt Act, 1944 or the Central Excise Rules, 1944 has occurred.

[No. 8/62.]

S.O. 3810.—In the table annexed to this Collectorate Notification (Central Excises issued under S.O. 1318, dated the 3rd June, 1961, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 10th June, 1961, the following amendment shall be made:—

The entries regarding delegation of power under Rule 200 to an officer not below the rank of an Inspector, shall be treated as deleted from the said Notification.

[No. C.IV(8)ICE/62.]

K. NARASIMHAN, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

Bombay, the 15th November 1962

S.O. 3811.—In exercise of the powers conferred on me by clauses 3, 4, 13, 14A and 17 of the Cotton Control Order 1955, I hereby make the following amendments in the Textile Commissioner's notification No. S.O. 2892 dated the 5th September, 1962, namely:

1. In the said notification, in paragraph 8(a)(i), after the words "Officers", the following words shall be added, namely:

"of the Sea Island Cotton Development Scheme."

2. In the said notification, in paragraph 9, sub-paragraph (r) shall be substituted, namely:

"(r) "L-147" means cotton recognised as such (known also as Buri L-147) and grown in the Vidarbha Region and Jalgaon district of Maharashtra State and Madhya Pradesh and includes "A51-9" (Narmada) grown in the Nimar cotton zone of Madhya Pradesh comprising East and West Nimar districts and Kukshi and Manawar tehsils of Dhar district notified as controlled area under the Madhya Pradesh Cotton Control Act, 1954. It also includes certified "Buri 0394" recognised as such and grown in the Vidarbha Region of Maharashtra State and Madhya Pradesh and certified "A51-9" (Narmada) and "CT-1-4-21" (Badnawar-1) recognised as such and grown outside the above controlled area in Madhya Pradesh."

3. In the said notification, in paragraph 9(q), after the words "A-51-9 (Narmada)", the following words shall be added, namely:

"grown outside the Nimar cotton zone of Madhya Pradesh comprising East and West Nimar districts and Kukshi and Manawar tehsils of Dhar district notified as controlled area under the Madhya Pradesh Cotton Control Act, 1954."

Sd./- R. DORAISWAMY,
Textile Commissioner.

[No. 24(4)-Tex(A)/62.]

A. B. DATAR, Under Secy.

(RUBBER CONTROL)

New Delhi, the 12th December, 1962.

S. O. 3812.—The following statement of accounts of the Rubber Board, Kottayam, for the year ended 31st March, 1961, is published in the Gazette of India in accordance with Rule 35(4) of the Rubber Rules, 1955 :—

RUBBER BOARD, KOTTAYAM

Receipts and Payments Account for the year ended 31st March, 1961.

RECEIPTS						PAYMENTS							
	Rs.	nP.	Rs.	nP.	Rs.	nP.		Rs.	nP.	Rs.	nP.	Rs.	nP.
To Balance on 1-4-60 :—							By Administration :—						
With State Bank of India,							Pay of Officers	28587	47				
Cochin : Current Ac-							Pay of Establishment	64269	05				
count	12738	68					Allowances, Honoraria,			65687	68		
Central Bank of India Ltd.,							etc.						
Kottayam : Current							Other charges, contingen-			88159	49	246703	69
Account	10366	02					cies etc.						
Dist. Treasury Kottayam,													
P.D. Account	55619	04					Research :—						
Cash on hand	1896	30					Pay of Officers	14814	19				
Stamps on hand	5589	93					Pay of Establishment	11645	95				
T.A. Advances	2407	29					Allowances, Honoraria, etc.	19588	15				
Festival advances	614	00					Other charges, contingen-			67577	35	113625	64
Loans for purchase of Motor							cies etc.						
cars etc.	2315	00											
Other advances (Housing							Development :—						
scheme loans etc).	8457	64	600575	90			Pay of Officers	27802	26				
							Pay of Establishment	39740	71				
Excise Duty			30634	84			Allowances, Honoraria,			49831	08		
Excise duty suspense (includ-			14158	35			etc.						
ing cheques for collection)			22417	00			Other charges, contingen-						
Licence fee							cies etc.	1608939	12	1726313	17	2086642	50
Licence fee suspense (includ-			15504	37									
ing cheques for collection)			66	45									
Receipts to be refunded													

General Fund	517794.89	600575.90	Excise duty remitted to State Treasuries for credit on Central Government	2069655.88	
Rubber Board Provident Fund :—			Excise duty collected by Revenue authorities & remitted to Government treasuries and remittances by producers direct to State Treasuries, for credit of Central Government	85582.68	
Rs. 6400—3% 1970-75 G.I. 1st Dev. loan	6412.62		Licence fees remitted to State Treasuries for credit of Central Government	48269.00	2203507.56
Rs. 21100—3% 1986 G.I. Loan	18924.50		Miscellaneous :—		
Rs. 26600—4% T.C. Loan (1963)	26560.69		All India Services Provident Fund	1800.00	
Rs. 42000—4% 1968 Loan	41543.41		State Provident Fund	120.00	
Rs. 8400—4% 1967 Madras Loan	8379.00		Staff Insurance	5727.55	
Rs. 10000—4% 1963 Madras Loan	9647.00				
G. I. 3½% Ten Year T.S. Deposit	2500.00				
G.I. 4% Treasury Svgs. Deposit	7000.00				
National Plan Svgs. Certificate (12 Years)	3000.00				
Post Office S.B., Kottayam	10635.66				
Amount with State Bank of India, Cochin, Current Account	13383.96				
Cash on hand	0.45				
Amount advanced for purchase of T.C. Loan	12200.00	160187.29			
Excise duty received direct in the Board's office and amount transferred from last years' Excise duty suspense.	20,49,980.58				
Excise duty collected by Revenue authorities & remitted to Govt. treasuries and remittances by producers direct to State treasuries	85,582.68	21,35,563.26	State Advances (car loan)	1,008.00	
			Staff Income-tax	2,837.42	
			Sundry receipts refunded	2,828.53	
			Sundry payments recoverable	12,57.37	
			Sundry Advances recoverable	2,495.06	
		15,43,000.00	Court attachment	272.57	18,346.50
Grant from Central Government					

RECEIPTS (contd.)		PAYMENTS (contd.)			
	Rs. nP.	Rs. nP.	Rs. nP.	Rs. nP.	Rs. nP.
Excise duty suspense (including cheques for collection).			4,440.46	The Rubber Board Provident Fund:—	
Fee on account of Manufacturers Licence		5,789.00		Interest and Bank charges	
Fee on account of Dealers Licence		23,200.00		paid on the purchase of securities	88.30
Fee on account of Newplanting Licence		10,580.00		Income Tax and Surcharge	776.40
Fee on account of Replanting Licence		534.00		Provident Fund payment	36,250.74
				Provident Fund Advances	14,497.00
			40,103.00		
Licence fee suspense (including cheques for collection)				By balance on 31st March, 1961:—	
Miscellaneous:—			20,570.80	With State Bank of India, Cochin, Current Account	10,420.52
Sale of books (Directory of estates).	30.00			With Central Bank of India, Kottayam, Current Account	1,27,638.26
Distribution of clonal seeds	1,41,661.88			With Dist. Treasury Kottayam, P/D, A/C.	63,428.45
Sale of seedlings from Board's nurseries	28,480.54			Cash on hand	1,315.46
Experiment Station Sundry receipts	118.75			Stamp on hand	2,236.99
Sundry receipts	1,001.36			T.A. Advances.	4,405.00
Interest on current account, car loans etc.	597.62			Festival Advances	695.64
Sale of Palmphets	73.06			Loan for the purchase of Motor cars, scooters etc.	2,776.00
		1,71,963.21		Other advances (Housing Scheme loan etc.)	15,396.20
					2,28,312.52
All India Services Provident Fund	1,800.00			Excise duty	16,396.91
State Provident Fund	120.00			Excise duty suspense (including cheques for collection)	13,161.34
Staff Insurance	5,727.55			Licence fee	14,251.00
State Advances (car Loan)	1,008.00			Licence fee suspense (including cheques for collection)	36,075.17
Staff Income-tax	2,837.42				
Sundry receipts refundable	5,074.58				
Sundry payments recovered	1,257.37				
Sundry advances recovered	2,495.06				
Court Attachment	272.57	20,592.55	1,92,555.76		

The Rubber Board Provident Fund :—		Receipts to be returned	2,312.50	
Subscription by members		General Fund	1,46,115.60	2,28,312.52
Contribution by Board				
Interest on Government Securities		Rubber Board Provident Fund:—		
Interest on post office S/B.		Rs. 6400—3% 1970-75		
Amount recovered from loan to staff		G.I. 1st Dev. loan	6,412.62	
Interest on loans to staff		Rs. 21,100—3% 1986		
		Loan (G.I.)	18,924.50	
		Rs. 38,600—4% 1963 T. C. Loan	38,569.09	
		Rs. 42,000—4% 1968 T. C. Loan	41,543.41	
		Rs. 8,400—4% 1967 Madras Loan	8,379.00	
		Rs 10,000—4% 1968 Madras Loan	9,647.00	
		G. I. 3½% T. S. Deposit	2,500.00	
		G.I. 4% T. Svgs. Deposit	7,000.00	
		National Plan Svgs Cert. (12 Years)	3,000.00	
		Post Office S.B. Kottayam	6,245.50	
		Amount with State Bank of India, Cochin, current account	16,575.31	
		Cash on hand	1.31	1,58,797.74
TOTAL		Rs. 47,47,219.26	TOTAL	Rs. 47,47,219.26
Kottayam, 30th November, 1961.		(Sd)- T. V. JOSEPH, S. & A. OFFICER	(Sd)- S. K. MOORTHY, Secretary.	

Certified that the foregoing account of receipts and payments were examined in accordance with section 24(2) of the Rubber (Production and Marketing) Act, 1947 and that subject to the observations made separately the payments made as shown therein have been expended in pursuance of the purpose of the Act.

Office of the Accountant General, Kerala,
Trivandrum, 10-10-1962.

(Sd)- V. SWAMINATHAN,
Assistant Accounts Officer.

[No. F 20(4) Plant(B)/62]

(COFFEE CONTROL)

New Delhi, the 14th December 1962

S.O. 3813.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 4 of the Coffee Act, 1942 (7 of 1942) read with clause (a) of sub-rule (2) of rule 3 of the Coffee Rules, 1955, the Central Government hereby appoints the Secretary to the Government of Kerala, Department of Agriculture Trivandrum, as a member of the Coffee Board to represent the Government of Kerala for the period ending with 18th April, 1955, in the place of the Director of Agriculture, Government of Kerala, and direct that the following amendment shall be made in the notification No. S.O. 1194, dated the 19th April, 1962, published in sub-section (ii) of Part II, Section 3 of the Gazette of India dated the 19th April, 1962, namely:—

In the said notification, for item 3 and the entries relating thereto, the following item and entries shall be substituted, namely:—

“(3)—The Secretary to the Government of Kerala, Department of Agriculture, Trivandrum. Representative of the Government of Kerala”.

[No. F. 1(1) Plant (B) /62.]

B. KRISHNAMURTHY, Under Secy.

PATENTS AND DESIGNS

New Delhi, the 15th December 1962

S.O. 3814.—In exercise of the powers conferred by section 72 of the Indian Patents and Designs Act, 1911 (2 of 1911), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 681 dated the 23rd March, 1955 published at pages 593-594 in the Gazette of India, Part II, Section 3 dated the 2nd April, 1955, namely:—

In the said notification for item 6 and the entry relating thereto the following item and entry shall be substituted, namely:—

“6. Professor of Applied Chemistry, University of Kerala, Trivandrum, Kerala.”

[No. 16(17)-TMP/62.]

HARGUNDAS, Under Secy.

(Office of the Dy. Chief Controller of Imports and Exports)

(Central Licensing Area)

NOTICES

New Delhi, the 3rd December 1962

S.O. 3815.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the import licence No. E 328294/61/EI/CCI/D, dated 7th August, 1962, valued at Rs. 5000 for import of Fresh Fruits from Pakistan, granted by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi to M/s. Vashisht Nath Ramgopal, Ban Bazar, Ferozepur City, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said Messrs Vashisht Nath Ramgopal, Ban Bazar, Ferozepur City, or any Bank, or any other party, who may be interested in it.

2. In view of what is stated above, M/s. Vashisht Nath Ramgopal, Ban Bazar, Ferozepur City, or any Bank, or any other party, who may be interested in the said licence No. E 328294/61/EI/CCI/D, dated 7th August, 1962, are hereby directed not to enter into any commitments against the said licence.

[No. Genl/266/AM-63/Pol/CLA.]

S.O. 3816.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the Import Licence No. E 328282/61/EI/CCI/D, dated 7th August, 1962, valued at Rs. 5000 for import of Fresh Fruits from Pakistan, granted by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi to M/s. Sohan Lal s/o L. Kanshi Ram, Fruit Merchants, Sadar Bazar, Bhatinda, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Sohan Lal s/o L. Kanshi Ram, Fruit Merchants, Sadar Bazar, Bhatinda, or any Bank, or any other party, who may be interested in it.

2. In view of what is stated above, M/s. Sohan Lal s/o L. Kanshi Ram, Fruit Merchants, Sadar Bazar, Bhatinda, or any Bank, or any other party, who may be interested in the said licence No. E 328282/61/EI/CCI/D, dated 7th August, 1962, are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), Janpath Barracks 'B', New Delhi.

[No. Genl/266/AM-63/Pol/CLA.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports & Exports.

(Indian Standards Institution)

New Delhi, the 10th December, 1962

S.O. 3817.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for various products details of which are given in the Schedule hereto annexed have been determined and the fee shall come into force with effect from 15 December, 1962.

THE SCHEDULE






Sl. No.	Product/Class of Products	No. and Title of relevant Indian Standard	Unit	Marking fee per unit
1	Bitumen (Plastic) for Waterproofing Purposes	IS : 1580-1960 Specification for Bitumen (Plastic) for Waterproofing Purposes.	One Metric Tonne.	Rs. 2.00 per unit with minimum of Rs. 750.00 for production during calendar year
2	Hot Applied Sealing Compounds for Joints in Concrete.	IS : 1834-1961 Specification for Hot Applied Sealing Compounds for Joints in Concrete.	One Metric Tonne.	Rs. 4.00 per unit with a minimum of Rs. 1000.00 for production during a calendar year.
3	Preformed Fillers for Expansion Joint in Concrete Not-Extruding and Resilient Type (Bitumen—Impregnated Fibre).	IS : 1838-1961 Specification for Preformed Fillers for Expansion Joint in Concrete Not-Extruding and Resilient Type (Bitumen—Impregnated Fibre).	One Square Metre.	50 nP per unit with a minimum of Rs. 1500.00 for production during a calendar year.


[No. MD/18:2.]

S.O. 3818.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 15th December, 1962.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.	<p>IS:275</p>  <p>TYPE 1</p> <p>IS:275</p>  <p>TYPE 2</p>	Padlocks	IS : 275-1961 Specification for Padlocks (<i>Second Revision</i>).	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram and the relevant types designation being subscribed under the bottom side of the monogram as indicated in the design.
2.	<p>IS:1580</p> 	Bitumen (Plastic) for Waterproofing Purposes.	IS : 1580-1960 Specification for Bitumen (Plastic) for Waterproofing Purposes.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
3.	<p>IS:1834</p>  <p>GRADE A</p> <p>IS:1834</p>  <p>GRADE B</p>	Hot Applied Sealing Compounds for Joints in Concrete.	IS : 1834-1961 Specification for Hot Applied Sealing Compounds for Joints in Concrete.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram and the relevant grades designation being subscribed under the bottom side of the monogram as indicated in the design.

(1)	(2)	(3)	(4)	(5)
4.	<p>IS:1838</p> 	<p>Preformed Fillers for Expansion Joint in Concrete Not Extruding and Resilient Type (Bitumen—Impregnated Fibre).</p>	<p>IS : 1838-1961 Specification for Preformed Fillers for Expansion Joint in Concrete Not Extruding and Resilient Type (Bitumen—Impregnated Fibre).</p>	<p>The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.</p>

[No. MD/17:2].

New Delhi, the 12th December 1962.

S. O. 3819 In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that twenty-two licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Serial No.	Licence No. and date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
(1)	(2)	From (3)	To (4)	(5)	(6)	(7)
1	CM/L-34 4-11-1957	16-11-62	15-11-63	The National Insulated Cable Co. of India Ltd., 67, Stephen House, 4, Dalhousie Square, Calcutta-1.	Hard-Drawn Copper Solid and Stranded Conductors	IS : 282-1951 Specification for Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes (Tentative).
2	CM/L-35 4-11-1957	16-11-62	15-11-63	The National Insulated Cable Co. of India Ltd., 67, Stephen House, 4, Dalhousie Square, Calcutta-1.	Bare Annealed Copper Wire	IS : 396-1953 Specification for Bare Annealed High-Conductivity Copper Wire for Electrical Machinery and Apparatus (Tentative).
3	CM/L-36 4-11-1957	16-11-63	15-11-63	The National Insulated Cable Co. of India Ltd., 67, Stephen House, 4, Dalhousie Square, Calcutta-1.	Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes.	IS : 398-1961 Specification for Hard-Drawn Stranded Aluminium and Steel-Cord Aluminium Conductors for Overhead Power Transmission purposes (Revised).
4	CM/L-37 4-11-1957	16-11-62	15-11-63	The National Insulated Cable Co. of India Ltd., 67, Stephen House, 4, Dalhousie Square, Calcutta-1.	Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (for Working Voltages Up to and Including 11 kV)	IS : 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (for Working Voltages Up to and Including 11 kV)

5	CM/L-38 4-11-1957	16-11-62	15-11-63	The National Insulated Cable Co. of India Ltd., 67, Stephen House, 4, Dalhousie Square, Calcutta-1.	Cotton-Covered High-Conductivity Annealed Round Copper Wire.	IS : 450-1953 Specification for Cotton-Covered High-Conductivity Annealed Round Copper Wire.
6	CM/L-39 4-11-1957	16-11-62	15-11-63	M/s. Rashtriya Metal Industries Limited, Kurla Road, Andheri (East), Bombay-41.	Wrought Aluminium and Aluminium Alloy Utensils.	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloys for Utensils (Second Revision).
7	CM/L-40 4-11-1957	16-11-62	15-11-63	M/s. Rashtriya Metal Industries Limited, Kurla Road, Andheri (East), Bombay-41.	Wrought Aluminium and Aluminium Alloy Sheets, Strips and Circles.	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (Second Revision).
8	CM/L-105 31-10-1958	17-11-62	16-11-63	M/s. Sylvan Plywood Mills, Kottayam, Kerala State.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Plywood Tea-Chests (Revised).
9	CM/L-106 4-11-1958	17-11-62	16-11-63	The Mysore Chemical Manufacturers Ltd., Chikbanavar P.O., Bangalore Distr.	Copper Sulphate, Technical	S : 261-1950 Specification for Copper Sulphate, Technical.
10	CM/L-107 4-11-1958	17-11-62	16-11-63	The Assam Veneer & Saw Mills Limited, 9 Clive Row, Calcutta-1.	Tea-Chest Plywood panels	IS : 10 -1953 Specification for Plywood Tea-Chests (Revised).
11	CM/L-108 4-11-1958	17-11-62	16-11-63	The Asiatic Plywood Industries, 30, Strand Road, Calcutta-1.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (Revised).
12	CM/L-109 4-11-1958	17-11-62	16-11-63	M/s. Savlar Paint & Varnish Works, Vihar Lake Road, Saki Naka, Kurla, Bombay-37.	(i) Oil Paste for Paints, Zinc Oxide (ii) Oil Paste for Paints, Zinc Oxide Reduced	IS: 98-1950 Specification for Oil Paste for Paints, Zinc Oxide IS: 99-1950 Specification for Oil Paste for Paints, Zinc Oxide, Reduced.
13	CM/L-199 15-6-1960	10-11-62	9-11-63	M/s. Bharat Pulverising Mills Private Ltd., 589, Thiruvattiyur High Road, Madras-19.	BHC Water Dispersible Powder Concentrates	IS: 562-1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).
14	CM/L-217 31-8-1960	10-11-62	9-11-63	M/s. Tata-Fison Limited, 20, Howrah Road, Salkia, Calcutta.	DDT Water Dispersible Powder Concentrates	IS: 565-1955 Specification for DDT Water Dispersible Powder Concentrates.
15	CM/L-240 28-10-1960	15-11-62	14-11-63	M/s. Research Chemical Laboratories, Lattice Bridge Road, Adayar, Madras-20.	Dye-Based Fountain Pen Inks, Blue, Green, Red and Violet	IS: 1221-1957 Specification for Dye Based Fountain Pen Ink (Blue, Green, Violet, Black and Red).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
16	CM/L-243 23-11-1960	1-12-62	30-11-63	M/s. Hindustan Tin Works Private Ltd., G.T. Road, Ghaziabad	18-Litre Square Tins	IS: 916-1958 Specification for 18-Litre Square Tins
17	CM/L-341 20-9-1961	22-10-62	21-10-63	M/s. Mysore Insecticides Company (Andhra), 18/257 Gandhinagar, P.B. No. 425, Vijayawada-3	BHC Dusting Powders	IS: 361-1958 Specification for BHC Dusting Powders (<i>Revised</i>)
18	CM/L-351 31-10-1961	17-11-62	16-11-63	M/s. Bharat Wood Works, P.O. Dibrugarh, Assam.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
19	CM/L-352 31-10-1961	15-11-62	14-11-63	M/s. Dydayal Cable Industries Private Ltd., Gupta Mills Estate, Darukhana, Reay Road, Bombay-10	PVC Cables, 250 and 650 Volts Grade	IS: 694-1960 Specification for PVC Cables and Cords for Electric Power and Lighting for Working Voltages up to and including 650 Volts to Earth
20	CM/L-357 20-11-1961	1-12-62	30-11-63	M/s. Electrical and Mechanical Corporation (India), Railway Road, Jullundar City	Metal Clad Switches, 15 amp 250 Volts Only	IS: 1567-1960 Specification for Metal Clad Switches (Current Rating Not Exceeding 100 amperes)
21	CM/L-358 20-11-1961	1-12-62	30-11-63	M/s. Indian Traders Private Limited Industrial Area, Najafgarh Road, New Delhi-15	(i) Vulcanized Rubber Insulated Cables, Taped/Untaped, Braided and Compounded Type 250 and 660 Volts Grade Including Weatherproof Cables (ii) Rubber-Insulated Cables TRS Type 250 Volts Grade	IS: 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (For Working Voltages Up to and Including 11 kV)
22	CM/L-359 20-11-1961	1-12-62	30-11-63	M/s. Burmah-Shell Oil Storage & Distributing Co. of India Ltd., Burmah-Shell House, Ballard Estate, Bombay-1	Dieldrin Emulsifiable Concentrates	IS: 1054-1957 Specification for Dieldrin Emulsifiable Concentrates

S.O. 3820.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that ten licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licencees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of Validity		Name and address of the Licensee	Articles/Process covered by the Licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-472 16-11-1962	1-12-62	30-11-63	M/s. Bharat Sheet Metal Industries Ltd., 22, Beerpara Lane, Ghugudanga, Dum Dum, Calcutta	Steel Drums	IS:1549-1960 Specification for Steel Drums and Kegs (Galvanized and Ungalvanized)
2	CM/L-473 20-11-1962	1-12-62	30-11-63	M/s. Chandra Electricals, S 2/638 Club Road, Varanasi Cantt.	AC and Universal Fractional Horse Power Motors 1/36 to 1 Horse Power only	IS:996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation
3	CM/L-474 23-11-1962	1-12-62	30-11-63	M/s. Indian Mineral Industries Ltd., 22/1, Dum Dum Road, Calcutta-2	BHC Dusting Powders	IS:561-1962 Specification for BHC Dusting Powders (Second Revision)
4	CM/L-475 27-11-1962	15-12-62	14-12-63	M/s V. Gopalakrishnan Chettiar & Coy., Proprietors : M/s Madura Metal Products, 32, 32-A, Bridge Station Road, Selur Tallakulam P.O. Madurai-2	Wrought Aluminium Circles Grades SIB & SIC	IS: 21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (Second Revision)
5	CM/L-476 29-11-1962	15-12-62	14-12-63	M/s Racmann Koshatkinn (Regd.), 53, Industrial Area, Najafgarh Road, New Delhi-15	Spring Leaf for Automobile Suspension	IS:1135-1957 Specification for General Requirements for Leaf Spring for Automobile Suspension
6	CM/L-477 29-11-1962	15-12-62	14-12-63	M/s Shalimar Tar Products (1935) Limited, 7/1, Hide Road, Kidderpore, Calcutta-23 having their office at 6 Lyons Range, Calcutta-1	Bitumen (Plastic) for Water-proofing Purposes	IS: 1580-1960 Specification for Bitumen (Plastic) for Waterproofing Purposes

(1)	(2)	(3)	(4)	(5)	(6)	(7)
7	CM/L-478 29-11-1962	15-12-62	14-12-63	M/s Shalimar Tar Products (1935) Limited, 7/1 Hide Road, Kidderpore, Calcutta-23 having their office at 6 Lyons Range, Calcutta-1	Hot Applied Sealing Compounds for Joints in Concrete	IS: 1834—1961 Specification for Hot Applied Sealing Compounds for Joints in Concrete
8	CM/L-479 29-11-1962	15-12-62	14-12-63	M/s Shalimar Tar Products (1935) Limited, 7/1 Hide Road Kidderpore, Calcutta-23 having their office at 6 Lyons Range, Calcutta-1	Preformed Fillers for Expansion Joint in Concrete Non-extruding and Resilient Type (Bitumen-Impregnated Fibre)	IS:1838—1961 Specification for Preformed Fillers for Expansion Joint in Concrete Non-extruding and Resilient Type (Bitumen-Impregnated Fibre)
9	CM/L-480 29-11-1962	15-12-62	14-12-63	M/s Jai Electrical Industries, S/52, Industrial Area, Jullundur City	Metal Clad Switches Capacity Up to 15 and 30 amperes 250 Volts Grade and 15 amperes 500 Volts	IS: 1567—1960 Specification for Metal Clad Switches (Current Rating not exceeding 100 Amperes)
10	CM/L-481 29-11-1962	15-12-62	14-12-63	Government Central Lock Factory, (Directorate of Industries, Govt. of West Bengal), Bargachia, District Howrah	Brass Padlocks	IS:275—1961 Specification for Padlocks (<i>Second Revision</i>)

[No. MD/12:678.]

New Delhi, the 13th December 1962

S.O. 3821.—In partial modification of the rate of marking fee for Sodium Thiosulphate, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 201 dated the 14th January 1960, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 23rd January 1960, the Indian Standards Institution hereby notifies that the marking fee per unit for Sodium Thiosulphate, details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 24th December 1962.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of relevant Indian Standard	Unit	Marking Fee per Unit
1	Sodium Thiosulphate	IS : 246—1957 Specification for Sodium Thiosulphate	One Metric Tonne	Rs. 4.00 per unit with a minimum of Rs. 1,200.00 for production during a calendar year.

[No. MD/18:2.]

C. N. MODAWAL,

Head of the Certification Marks Division.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 30th November 1962

S.O. 3822.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Chief Forest Officer and Forest Officers in the Forest Department of Manipur Administration, namely:—

1. **Short title.**—These rules may be called the Manipur Forest Department (Class I and II posts) Recruitment Rules, 1962.

2. **Application.**—These rules shall apply to the Class I and II (Chief Forest Officer and Forest Officers) posts in the Forest Department, Manipur Administration, as specified in column 1 of the Schedule hereto annexed.

3. **Number of Posts, Classification and scale of pay.**—The number of posts etc. classification and the scale of pay attached to the said posts, shall be as specified in columns 2 to 4 of the schedule to these rules.

4. **Method of recruitment, age limit and other qualification etc.**—The method of recruitment to the posts aforesaid, age limit, qualifications, and other matters connected therewith, shall be as specified in columns 5 to 13 of the said schedule.

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to Scheduled Castes, Scheduled Tribes, displaced persons and other special categories in accordance with the orders issued from time to time by the Government of India.

5. **Disqualification.**—(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to any of the said posts.

(b) no woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

Name of post	No. of posts.	Classifica- tion.	Scale of pay.	Whether selection post or non-sele- ction post.	Age limit for direct recruits.	Educational and other qualifications re- quired for recruits.
1	2	3	4	5	6	7
1. Chief For- est Officer.	1	G.C.S. Class I.	Rs. 600— 25—700— EB—25— 900.	Will not apply.	45 years & be- low (Relaxa- ble for Govt. servants).	<i>Essential</i> (i) Diploma of the Forest Research In- stitute & Colleges, Dehra Dun or equi- valent degree of a foreign University. (ii) About 5 years experience in a res- ponsible capacity in the Forest De- partment. (iii) Knowledge of Manipuri (candi- date knowing other local languages, in addition to Manipuri will be preferred). Qualifications rela- xable at the discre- tion of Union Pub- lic Service Commis- sion in case of can- didates otherwise well qualified.
2. Forest Officer.	1	G.C.S. Class II.	Rs. 225— 20—425— EB—600.	Will not apply.	<i>For Category I</i> 35 years & be- low (Relaxa- ble for Govt. servants). <i>For category II</i> Between 19— 20 years (29 years for Sc- heduled Cas- tes/Scheduled Tribes can- didates).	<i>I. Essential</i> (i) Diploma of the Forest Research In- stitute & Colleges, Dehra Dun or equi- valent degree of a foreign University. (ii) Knowledge of the one or more local languages. OR (i) Degree of a re- cognised Univer- sity or equivalent. (ii) Ranger's certifi- cate of the Forest Research Institute & Colleges, Dehra Dun. (iii) About 3 years experience in a res- ponsible capacity in the Forest Depart- ment.

DULE

Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of rectt. whether by direct rectt. or by promotion or transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion, transfer, grades from which promotion to be made.	If a DPC exists what is its composition.	Circumstances in which U.P.S.C. is to be consulted in making rectt.
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8	9	10	11	12	13
Will not apply.	2 years	By promotion failing which by transfer on deputation failing which by direct recruitment.	<i>Promotion :</i> Forest Officer with 10 years service in the grade. <i>Transfer/Deputation</i> of an officer holding analogous posts from the Central or State Govts.	Class I DPC	As required under the rules.
Will not apply.	2 years	Direct recruitment failing which by transfer on deputation.	<i>Transfer on deputation :</i> From officers holding analogous posts under State Governments.	Will not apply.	As required under the rules.

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(iv) Knowledge of one or more local languages.

II For candidates to be selected for training at Forest Research Institute & Colleges, Dehra Dun.

(i) A degree in Science, Mathematics, Agri. or Engineering of a recognised University or equivalent.

(ii) Knowledge of one or more local languages.

Qualifications relaxable at the discretion of Union Public Service Commission in the case of candidates otherwise well qualified.

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[No. 25-8/61-U.T.]

S. P. MOHONI, Under Secy.

(Department of Agriculture)

New Delhi, the 17th December 1962

S.O. 3823.—The following draft of certain rules to amend the Myrobalan Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published as required by the said Section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 31st December, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These Rules may be called the Myrobalan Grading and Marking (Amendment) Rules, 1962.

2. In the Myrobalans Grading and Marking Rules, 1962:—

(1) in Schedule I

(i) against item 1,

(a) in column 1 the word "special" shall be omitted;

(b) in column 2 the letter "S" shall be omitted;

(c) in column 6 the mark "@" shall be added on broken nuts and the following footnote shall be added below the Schedule, namely:

"@ To cover the accidental errors, broken nuts will be tolerated upto 1% by weight";

(ii) item 2 and the entries relating thereto shall be omitted and items 3 and 4 shall be re-numbered as item 2 and 3 respectively;

(iii) against item 2 as so re-numbered,—

(a) in column 1 for the words "Jubulpore Average" the words "Genuine Jubulpore" shall be substituted;

(b) in column 2 for the letters "J.A." the letters "G.J." shall be substituted.

(2) in Schedule II—

(a) before item 1 and the entries relating thereto the following entries shall be inserted namely:—

I	2	3	4	5	6
1. Crushed Special No. 1.	C.S.I	1½%	5%	1%	Shall be made from whole-nuts of J. 1 quality of Schedule I. ;

and items 1, 2, 3 and 4 shall be re-numbered as 2, 3, 4 and 5 respectively.

(b) in column 6 against item 2 as so re-numbered the letter "S" shall be omitted;

(c) in column 6 against each of the item 2 and 3 as so re-numbered the mark "@" shall be added on the letters "J-1" and the following footnote shall be added below Schedule II namely;

"@ The tolerance of 5% of Jubulpore No. 2 (J.2) in "Jubulpore 1(J.1)" as provided in column 5 against item 1 in Schedule 1, shall not be permitted".

(d) in column 6 against item 3 as so re-numbered, for the words brackets, figures and letters "Jubulpore Average" (J.A.) of Schedule 1" the words

brackets, figures and letters "Genuine Jubulpore" (G.J.) of Schedule-1" shall be substituted;

- (e) after item 4 as so re-numbered and the entries relating thereto the following item and entries shall be inserted namely:—

1	2	3	4	5	6
5.	"Crush No. 2	C. II	25%	30%	10%
					Shall be made from whole nuts J-II of Schedule I."

- (3) in Schedule III against Item No. 2,—

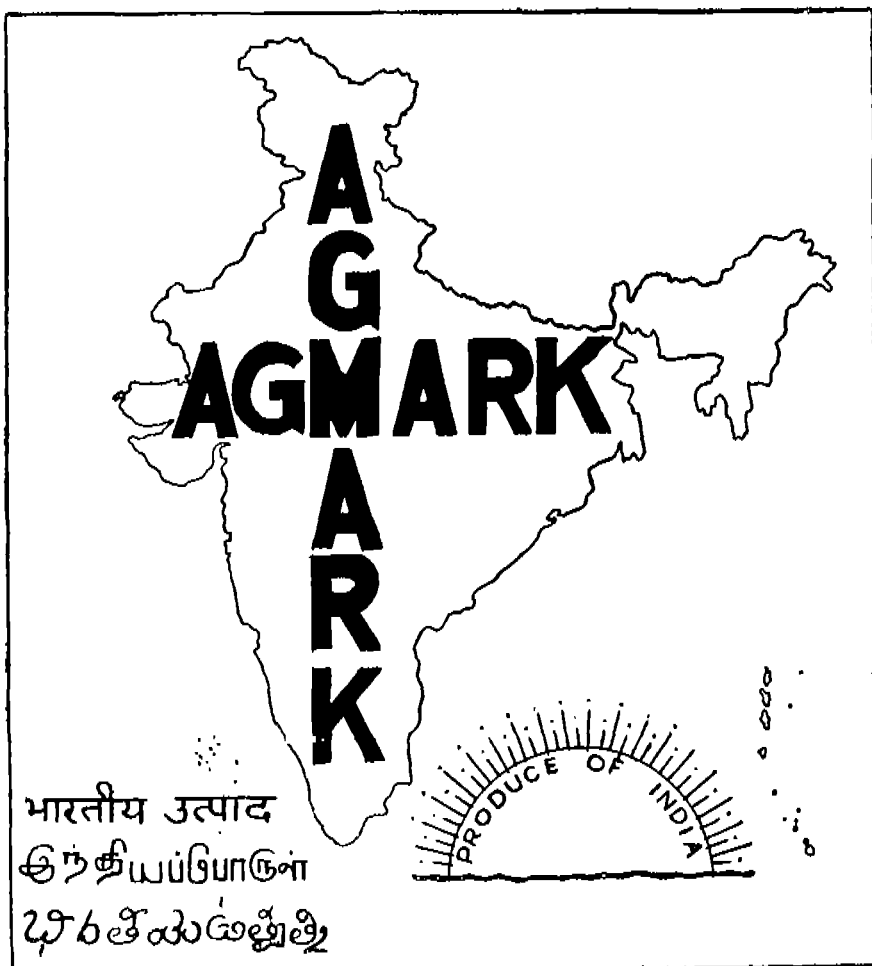
(a) for the words "yellow to brownish" in column 3 the words "brownish to blackish" shall be substituted;

- (4) for Schedule V, the following Schedule shall be substituted, namely:—

SCHEDULE V

(See rule 5)

Map of India



NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

(5) in Schedule VI, the words "to the Government of India" wherever they occur shall be omitted.

[No. F. 17-2/61-AM.]

V S. NIGAM, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 15th December 1962

S.O. 3824.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby nominates, in consultation with the Government of Orissa, Dr. G. S. Mohapatra, M.B.B.S., M.R.C.P., D.T.M. & H., Director of Health Services, Orissa, as a member of the Medical Council of India *vice* Dr. S. K. Misra, resigned, and makes the following further amendment in the notification of the Government of India in the Ministry of Health, No. F. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3, for the existing entries against serial No. 1, the following entries shall be substituted, namely:—

"Dr. G. S. Mohapatra, M.B.B.S., M.R.C.P., D.T.M. & H., Director of Health Services, Orissa".

[No. F. 5-45/62-MI.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Deptts. of Commns. & Civil Aviation)

New Delhi, the 10th December 1962

S.O. 3825.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications No. S.R.O. 631-B, dated the 28th February, 1957, namely:—

In Parts I, II and III of the Schedule to the said notification, for the existing headings, sub-headings and entries relating to the "Civil Aviation Department", the headings, sub-headings and entries specified in Parts I, II and III of the Schedule hereto annexed shall respectively be substituted.

SCHEDULE

PART I—GENERAL CENTRAL SERVICES, CLASS II.

Description of Post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13).	
		Authority	Penalties
1	2	3	4
<i>Civil Aviation Department.</i> All posts	Director General of Civil Aviation.	Director General of Civil Aviation. Deputy Director General of Civil Aviation.	All. (i) to (iii).

PART II—GENERAL CENTRAL SERVICES, CLASS III.

Description of post 1	Appointing authority 2	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate Authority 5
		Authority 3	Penalties 4	
<i>Civil Aviation Department. Headquarters Office.</i>				
All posts.	Deputy Director General of Civil Aviation.	Deputy Director General of Civil Aviation. Director of Administration	All (i) to (iii)	Director General of Civil Aviation. Deputy Director General of Civil Aviation.
<i>Air Routes and Aerodromes Organisation.</i>				
All posts	Deputy Director General of Civil Aviation.	Deputy Director General of Civil Aviation. Controllers of Aerodromes, Principal, Civil Aviation Training Centre, and Electrical and Mechanical Officer.	All (i) to (iii)	Director General of Civil Aviation. Deputy Director General of Civil Aviation.
<i>Aeronautical Inspection Organisation.</i>				
All posts	Deputy Director General of Civil Aviation.	Deputy Director General of Civil Aviation. Controller of Aeronautical Inspection concerned.	All (i) to (iii)	Director General of Civil Aviation. Deputy Director General of Civil Aviation.
<i>Civil Aviation Training Centre.</i>				
Link Trainer Mechanic ; Nurse ; Painter ; Fitter ; Welfare Assistant ; Cinema Operator ; Compounder ; Fitter-cum-Turner ; Instrument repairer ; Electrician Chargehand and Carpenter.	Principal, Civil Aviation Training Centre.	Principal, Civil Aviation Training Centre.	All	Deputy Director General of Civil Aviation.

1	2	3	4	5
Other posts	Deputy Director General of Civil Aviation.	Deputy Director General of Civil Aviation.	All	Director General of Civil Aviation.
		Principal, Civil Aviation Training Centre.	(i) to (iii)	Deputy Director General of Civil Aviation.
<i>Aeronautical Communication Organisation.</i>				
Painter ; Wireless Mechanic ; Crystal Mechanic ; Instrument Mechanic ; Tool Mechanic ; Electrician ; Fitter ; Turner ; Welder ; Blacksmith ; and Tinsmith.	Controller, Radio Construction and Development Units.	Controller, Radio Construction and Development Units.	All	Deputy Director General of Civil Aviation.
Other posts	Deputy Director General of Civil Aviation.	Deputy Director General of Civil Aviation.	All	Director General of Civil Aviation.
		Controller concerned.	(i) to (iii)	Deputy Director General of Civil Aviation.
<i>Gliding Centres.</i>				
Dope and Fabric Worker . .	Principal, Civil Aviation Training Centre and Controller of Aerodromes concerned.	Principal, Civil Aviation Training Centre and Controller of Aerodromes concerned.	All	Deputy Director General of Civil Aviation.
Other posts	Deputy Director General of Civil Aviation.	Deputy Director General of Civil Aviation.	All	Director General of Civil Aviation.
		Principal, Civil Aviation Training Centre and Controller of Aerodromes concerned.	(i) to (iii)	Deputy Director General of Civil Aviation.

PART III—GENERAL CENTRAL SERVICE, CLASS IV.

Designation of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate authority
		Authority	Penalties	
I	2	3	4	5
<i>Civil Aviation Department Headquarters Office</i>				
All posts. . . .	Assistant Director of Administration.	Assistant Director of Administration.	All	Director of Administration.
<i>Air Routes and Aerodromes Organisation.</i>				
<i>Office of the Controller of Aerodromes and Aerodrome offices in charge of Non-Gazetted officers.</i>				
All posts. . . .	Controller of Aerodromes.	Controller of Aerodromes.	All	Director of Administration.
<i>Aerodrome offices in charge of Gazetted Officers</i>				
All posts. . . .	Senior Aerodrome or Aerodrome or Assistant Aerodrome Officer or Assistant Communication Officer concerned.	Senior Aerodrome or Aerodrome or Assistant Aerodrome Officer or Assistant Communication Officer concerned.	All	Controller of Aerodromes.
<i>Office of the Electrical and Mechanical Officer.</i>				
All posts	Electrical and Mechanical Officer.	Electrical and Mechanical Officer.	All	Director of Administration.
<i>Aeronautical Inspection Organisation.</i>				
All posts. . . .	Controller of Aeronautical Inspection concerned.	Controller of Aeronautical Inspection concerned. Senior Aircraft Inspector or Aircraft Inspector-in-Charge.	All (i) to (iii)	Director of Administration. Controller of Aeronautical Inspection concerned.

1	2	3	4	5
<i>Civil Aviation Training Centre</i>				
All posts.	Principal.	Principal. Administrative and Executive Officer.	All (i) to (iii)	Deputy Director General. Principal.
<i>Gliding Centres.</i>				
All posts.	Principal, Civil Aviation Train- ing Centre; Controller con- cerned.	Principal, Civil Aviation Train- ing Centre; Controller con- cerned. Instructor-in-Charge concerned.	All (i) to (iii)	Deputy Director General. Principal and Controller con- cerned.
<i>Aeronautical Communication Or- ganisation.</i>				
<i>Office of the Controller of Communications.</i>				
All posts.	Controller of Communication.	Controller of Communication.	All	Director of Administration.
<i>Office of the Controller, Radio Construction and Development Units.</i>				
All posts.	Controller of Radio Construction and Development Units.	Controller of Radio Construction and Development Units.	All	Director of Administration.
<i>Office of the Controller, Central Radio Stores Depot.</i>				
All posts.	Controller, Central Radio Stores Depot.	Controller, Central Radio Stores Depot.	All	Director of Administration.
<i>Communication Stations in-Charge of Gazetted Officers.</i>				
All posts.	Officer-in-Charge.	Officer-in-Charge.	All	Controller of Communication concerned.
<i>Communication Stations in- Charge of Non-Gazetted Officers.</i>				
All posts.	Controller of Communication concerned.	Controller of Communication concerned.	All	Director of Administration.

[No. 10-VE(8)/59.]

T. R. MANTAN, Dy. Secy.

MINISTRY OF EDUCATION

New Delhi, the 11th December 1962

SUBJECT.—*Delegation of powers to the Delhi Administration under the Delhi Primary Education Act, 1960, (Act, 39 of 1960).*

S.O. 3826.—In exercise of the powers conferred by sub-section (1) of section 24 of the Delhi Primary Education Act, 1960, (39 of 1960), the Central Government hereby delegates the powers conferred on the State Government under clause (k) of section 2, clause (b) of section 10 and sub-section (2) of section 24 of the said Act to the Director of Education Delhi.

[No. F. 20-5/61 B4.]

S. RAJAN,

Assistant Educational Adviser.

New Delhi, the 17th December 1962

S.O. 3827.—In exercise of the powers conferred by section 13 of the Hindi Sahitya Sammelan Act, 1962 (13 of 1962), the Central Government hereby specifies a further period of one year from the date of expiry of the period mentioned in the said section as the period within which the first Governing Body shall arrange to hold elections to the Governing Body in accordance with the provisions of the rules made under section 12 and take such further steps as may be necessary for its due constitution within the period specified above.

[No. F. 19-55/62.H.1.]

R. P. NAIK, Jt. Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 11th December 1962

S.O. 3828.—In exercise of the powers conferred by section 82-B of the Indian Railways Act, 1890 (9 of 1890), read with sub-rule (1) of rule 4 of the Railway Accidents (Compensation) Rules, 1950, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Railways (Railway Board) No. 893-TGIV/58/3, dated 28th January, 1960, as amended in their Notification No. 61-TGIV/1026/18, dated 14th September, 1961, namely:—

In the Schedule annexed to the said notification against the entry "GUJARAT" in column 1, for item 1 and the entry relating thereto in column 2, the following item and entry shall be substituted, namely:—

- "1. Civil Judge (Senior Division), Narol. (Claims arising out of minor accidents occurring within his jurisdiction as also claims arising out of minor accidents occurring within the limits of the City of Ahmedabad.)"

[No. 61-TGIV/1026/18(vii).]

New Delhi, the 14th December 1962

S.O. 3829.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801 dated the 24th March, 1905, the Ministry of Railways (Railway Board) hereby make the following further amendments in the rules published with the notification of the Government of India in the Ministry of Railways

(Railway Board) No. TCI/3036/58/ Notification dated the 28th August, 1958, and subsequently amended namely:—

In the said Rules, in the table below "II RULES FOR REGULATING THE USE OF ROLLING STOCK, ENGINES AND TRAINS",

(a) against item (i):—

(i) in column 2, for the existing entry the following entry shall be substituted, namely:—

"In the case of a group of 20 BOX wagons or more placed at a time for loading by one party, 10 working hours from the time at which the wagons are placed in position for loading;

In the case of BOX wagons in a group of less than 20 placed at a time for loading by one party, 5 working hours from the time at which the wagons are placed in position for loading;

In the case of BFR wagons 9 working hours from the time at which the wagons are placed in position for loading;

In the case of all other types of wagons 5 working hours from the time at which the wagons are placed in position for loading".

(ii) in column 4, for the existing entry the following entry shall be substituted, namely:—

"The entire group of BOX wagons placed for loading will be treated as one unit for the purpose of levy of demurrage charge i.e. even if one wagon out of the group of two or more is detained for loading beyond the prescribed free time, the demurrage will be levied on all the BOX wagons in the group.

In cases where wagons are placed against indent by consignors but are not used, demurrage charge is leviable for the entire period from the time the wagon was placed in position for loading and upto the time of receipt of written intimation of cancellation, of the indent *no free time being allowed*".

(b) against item (ii):—

(i) In column 2, for the existing entry the following entry shall be substituted, namely:—

"In the case of a group of 20 BOX wagons or more loaded with coal or billets or other heavy iron and steel materials placed at a time for unloading by one party, 12 working hours from the time at which the wagons are placed in position for unloading;

In the case of BOX wagons in a group of less than 20 loaded with billets or other heavy iron and steel materials placed at a time for unloading by one party 9 working hours from the time at which the wagons are placed in position for unloading;

In the case of B.F.R. wagons, 9 working hours from the time at which wagons are placed in position for unloading;

In the case of all other types of wagons, 5 working hours from the time at which the wagons are placed in position for unloading".

(ii) In column 4, for the existing entry the following entry shall be substituted, namely:—

"The entire group of BOX wagons placed for unloading will be treated as one unit for the purpose of levy of demurrage charge i.e. even if one wagon out of the group of two or more is detained for unloading beyond the prescribed free time, the demurrage will be levied on all the BOX wagons in the group.

In cases in which the unloading of a consignment is required to be done by the consignees, but (a) the consignee fails to perform the unloading of a consignment from a wagon within the free time allowed or (b) the railway considers that earlier release of wagons will be secured by the work of unloading of the wagons being performed

by itself even though within the free time allowed, then, in either event, it shall be open for the railway to undertake the work of unloading and to charge the consignee for doing so.

Wagons so unloaded will be subject to any demurrage that might have accrued before the Railway unloaded the wagon".

2. This notification shall come into force on 1st February, 1963.

[No. TCH/3753/61.]

P. C. MATHEW, Secy.

MINISTRY OF WORKS AND HOUSING

(Deptt. of W. & H.)

New Delhi, the 11th December 1962

S.O. 3830.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the Land and Development Officer, New Delhi being a gazetted officer of Government, to be the estate officer for the purposes of the said Act in respect of all nazul land and the premises under the administrative control of the Central Public Works Department, New Delhi.

[No. 24(1)/62-EEIL.]

S. L. VASUDEVA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 4th December 1962

S.O. 3831.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the Union territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

Sl. No.	Particulars of Khewat No.	Property Khasra No.	Area Big. Bis.	Name of the evacuee with rights in the property	Remarks
VILL. ALIPUR					
1.	158/295	450	3-5	Yousaf s/o Amir Bux evacuee ownership.	

[No. F. 1(10)/L&R/62.]

M. J. SRIVASTAVA,

Settlement Commissioner (A) &

Ex-Officio Under Secy.

(Department of Rehabilitation)**(Office of the Chief Settlement Commissioner)***New Delhi, the 13th December, 1962.*

S.O. 3832.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints Shri O. P. Saxena, District Relief and Rehabilitation Officer, Saharanpur as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said act with effect from the date he took charge of his office.

[No. 23(15)/ARG/61.]

KANWAR BAHADUR,

Settlement Commissioner (A) and *Ex-Officio*
Dy. Secy.**MINISTRY OF INFORMATION AND BROADCASTING***New Delhi, the 13th December 1962*

S.O. 3833.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shrimati Sobha Mahalanobis as a member of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. 11/3/62-FC.]

S.O. 3834.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952, and sub-rule (3) of rule 9, read with Sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Shri Chidananda Das Gupta as member of the Advisory Panel of the said Board at Calcutta with effect from 24th October, 1962.

[No. 11/3/62-FC.]

S. PADMANABHAN, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 12th December 1962*

S.O. 3835.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Hindustan Steel Ltd. (Bhilai Steel Project) and their workmen employed in Rajhara Iron Ore Mines.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
BOMBAY**

REFERENCE No. CGIT-31 of 1962

Employers in relation to the Hindustan Steel Limited (Bhilai Steel Project)

AND

Their workmen employed in the Rajhara Iron Ore Mines.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer.

APPEARANCES:

For the employers: Shri J. C. Mathew Thakaran, Law Officer, Hindustan Steel Ltd.

For the workmen: Shri K. B. Chougule, Assistant Secretary, Indian Mine Workers' Federation with Shri P. K. Sen Gupta, Organising Secretary, Steel Workers' Union, Bhilai.

INDUSTRY: Iron Ore Mines.

STATE: Madhya Pradesh.

Dated, Bombay, 4th December, 1962.

AWARD

1. The Central Government, by the Ministry of Labour & Employment's Order No. 23/11/62/L.R.II, dated 31st August 1962, was pleased, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, to refer the industrial dispute, between the parties above-named, in respect of the subject matter specified in the following Schedule to the said Order, to me for adjudication.

SCHEDULE

Whether the Management of Hindustan Steel Ltd. (Bhilai Steel Project), were justified in terminating the services of Shrimati Indira Nair, Telephone Operator, Rajhara Iron Ore Mines, with effect from the 3rd July 1961; if not, to what relief is the worker entitled?

2. After the parties had filed their written statements, the dispute was taken up for hearing at Bombay on 26th November 1962, when parties applied for time till 1st December 1962 to finalise the terms of settlement reached between them, and to intimate them to the Tribunal.

3. Thereafter, the parties, under a joint application, forwarded to the Tribunal, the terms of settlement dated 29th November 1962 reached between them, under which the employers have agreed to reinstate in service Shrimati Indira Nair, Telephone Operator, with full back wages till the date of her reinstatement. Under the terms of settlement it is agreed that the amount of retrenchment compensation already drawn by Shrimati Indira Nair will be deducted from the back wages due to her under the foregoing term of settlement. A copy of the said terms of settlement dated 29th November 1962, is annexed hereto and marked Annexure "A".

4. In the facts of the case, I accept this settlement as fair and reasonable, and make an award in terms thereof.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE "A"

MEMORANDUM OF SETTLEMENT OF INDUSTRIAL DISPUTE IN RESPECT OF TERMINATION OF SERVICE OF SMT. INDIRA NAIR, TELEPHONE OPERATOR OF RAJHARA MINES OF BHILAI STEEL PROJECT OF HINDUSTAN STEEL LTD.

Place: Bhilai, M.P.

Date: 29th November, 1962

Representing the Employers: Shri R. P. Mishra, Personnel Manager, Bhilai Steel Project, Hindustan Steel Ltd.

Representing the Workmen: Shri P. K. Sen Gupta, Organising Secretary, Steel Workers' Union, Bhilai (I.N.T.U.C.), Bhilai.

SHORT RECITAL OF THE CASE

Industrial dispute with regard to the termination of service of Smt. Indira Nair, Telephone Operator, Rajhara Mines, was taken by the Steel Workers' Union, Bhilai (INTUC) with the Conciliation Officer Central, Jabalpur which resulted in failure. Subsequently the Government of India referred the matter for adjudication to the Central Government Industrial Tribunal, Bombay, under the Reference of CGIT-31 of 1962. Parties, on mutual negotiation, to-day arrived at the following terms of settlement:—

TERMS OF SETTLEMENT

It is agreed:—

- (1) That the Employer, Bhilai Steel Project, will reinstate Smt. Indira Nair, Telephone Operator, Rajhara Mines, in service with full back wages, till the date of reinstatement.

- (2) That the amount of Retrenchment Compensation already drawn by Smt. Indira Nair will be deducted from the back wages due to her under para 1 above.
- (3) That the parties will jointly communicate the terms of settlement to the Tribunal to pass an award in terms of this settlement.

Representing the Workmen:

Sd./- P. K. SEN GUPTA,
29-11-62.

Organising Secretary,
Steel Workers' Union, Bhilai.

Representing the Management:

Sd./- R. P. MISHRA,

Personnel Manager,
Bhilai Steel Project.

Witnesses:

(1) Sd./- A. K. Roy.

(2) Sd./- C. J. MATHEW THARAKAN.

29-11-62.

Accepted.

Sd./- SALIM M. MERCHANT,

Presiding Officer,

Bombay,

4-12-62.

[No. 23/11/62-LRII.]

New Delhi, the 14th December 1962

S.O. 3836.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Begonia Colliery of Messrs Oriental Coal Company Limited, P.O., Barakar, Dist., Burdwan, West Bengal and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 39 OF 1962

PARTIES:

Employers in relation to the Begonia Colliery of Messrs Oriental Coal Company Limited, P.O., Barakar, Dt., Burdwan.

AND

Their Workmen.

PRESENT:

Shri L. P. Dave.—*Presiding Officer.*

APPEARANCES:

On behalf of Employers.—Shri S. S. Kapur, Chief Personnel Officer.

On behalf of Workmen.—

Shri D. L. Sen Gupta, Advocate.

Shri N. P. Sinha, Secretary, Begonia Colliery Branch of the Colliery Mazdoor Congress.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 2/95/62-LRII, dated 17th September, 1962, referred the industrial dispute existing between the employers in relation to the Begonia Colliery of Messrs Oriental Coal Company Limited and their workmen in respect of the matter whether the Management of the said colliery was justified in dismissing Shri Latu Gope, underground trammer, with effect from 6th May, 1962, and if not, to what relief he was entitled, for adjudication to this Tribunal.

2. In response to the notices issued by the Tribunal, both parties filed their written statements. From the two written statements, it appears that Latu Gope who was working as an underground trammer was granted sick leave for three months from 24th August, 1961, and he went to his native place for treatment. According to the workmen, he had applied for extension of leave; while according to the Management, he did not do so. The Management urged that he over stayed his leave without permission and that on 12th April, 1962, he produced a medical certificate from the Colliery Medical Officer stating that he was sick for Ten days and was now fit to resume his duties and he was thereupon allowed to work on 12th April, 1962. The Management however found that he had not asked for extension of leave and they, therefore, served him with a charge-sheet on 13th April, 1962, to which he replied on 18th April, 1962. The Management found the explanation not satisfactory and dismissed him. An attempt at conciliation failed and therefore this reference.

3. When the matter came up for hearing before me to-day, the parties after some discussion entered into a settlement and produced a memorandum thereof before me, copy of which is annexed herewith. Under the terms thereof, the workman concerned is to be reinstated in his original post from the date he reports for duty which is not to be later than 12th December, 1962, with continuity of service, the period of absence being treated as leave without pay. The Management have also agreed to pay him an *ex-gratia* sum of Rs. 50 (Rupees fifty). In my opinion, the compromise is fair and reasonable and I therefore record it and pass an award in terms thereof.

Sd./- L. P. DAVE,
Presiding Officer.

4th December, 1962:

BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL:
CALCUTTA.

REFERENCE No. 39 OF 1962

PARTIES:

Employers in relation to the Begonia Colliery.

AND

Their workmen.

The parties above named have entered into a compromise on the following terms:—

1. Sri Latu Gope will be re-instated as Underground Trammer from the date he reports for duty which should not be later than 12th December, 1962. The period of absence till his reinstatement will be treated as leave without pay and he will then be re-instated with continuity of service.
2. He assures the Management that he will not remain absent without previous permission except under exceptional circumstances.
3. The Management will pay him an *ex-gratia* sum of Rs. 50 (Rupees fifty) only within fifteen days of his resuming duty.
4. The parties will bear their own cost

The parties above-named most respectfully pray that the Hon'ble Tribunal may be pleased to pass an award in terms of the settlement.

Sd./- D. L. SENGUPTA, Advocate,
for workmen.

Sd./- N. P. SENHA, Secy.
C.M.C. Branch,
Begonia Colliery.

Sd./- S. S. KAPUR,
Chief Personnel Officer, 4-12-62.

Sd./- J. S. ARORA,
Manager Begonia,
Colliery, 4-12-62.

L.T.I. of
Latu Gope

[No. 2/95/62-LRII.]

S.O. 3837.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Khas Chalbapur Colliery Post Office Jaykaynagar District Burdwan, West Bengal and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, PATNA.

REFERENCE No. 64 of 1961/6 of 1962

Employers in relation to the Khas Chalbapur Colliery and their workmen.

For the Workmen.—Shri Kalyan Roy, General Secretary, Indian Mines Workers Federation & Vice President, Colliery Mazdoor Sabha, Asansol.

For the Employers.—None.

AWARD

Dated the 26th November, 1962

By Central Government Notification dated 5th August 1961 this industrial dispute between the employers in relation to the Khas Chalbapur Colliery and their workmen has been referred to this Tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act. The specific matters in dispute are as follows:—

1. Consequent on the stoppage of work by the management of the third shift, as a temporary measure, with effect from the 15th June, 1961, whether the management is justified:

(i) in forcing 28 permanent workmen mentioned in Appendix I below to proceed on leave; and

(ii) in terminating the services of 23 temporary workmen mentioned in Appendix II below;

with effect from the aforesaid date.

2. If not, was the management justified in not absorbing any of these workmen in suitable alternative jobs in the remaining two shifts?

3. What relief are these workers entitled to?

APPENDIX I

1. Shri Ramswaroop Gope	Underground Trammer
2. Shri Butal Rajwar	Underground Trammer
3. Shri Govind Rajwar	Underground Trammer
4. Shri Bishundeo Ram	Underground Trammer
5. Shri D. Dwarik Ram	Underground Trammer
6. Shri Ch. Karo Rajwar	Underground Trammer
7. Shri Ch. Sriram	Underground Trammer
8. Shri Sita Mahato	Underground Trammer
9. Shri Dukhi Dusad	Surface Trammer
10. Shri Panwa Bhuiyan	Surface Trammer
11. Shri Ramachal Misra	Coal Cutting Machine Helper
12. Shri Yogindra Singh	Coal Cutting Machine Helper
13. Shri Debi Shaw	Coal Cutting Machine Helper
14. Shri Tulshi Ram	Driller
15. Shri Anik Ram	Driller
16. Shri Somor Singh	Fitter Helper
17. Shri Ramballi Singh	Fitter Helper
18. Shri Jiccha Shaw	Onsetter
19. Shri Rambilash Singh	Banksman.
20. Shri Siba Bowri	Timber Mazdoor.
21. Shri Adya Prasad Tewary	Winding Engine Khalasi.
22. Shri Sisir Hazra	Pit Sircar.
23. Shri Sukumar Banerjee	Explosive Carrier.
24. Shri Netai Deme	Line Mistry.
25. Shri Panchanan Roy	Haulage Khalashi.
26. Shri Guiram Gope	Empty Tub Pusher.
27. Shri Harishankar Joshi	Pump Khalashi.
28. Shri Anadi Laik	Pump Khalashi.

APPENDIX II

1. Shri Manik Ram	Underground Trammer.
2. Shri Mangal Bowri	Switchman.
3. Shri B.K. Mishra	Pump Khalashi.
4. Shri Ramjatan	Empty Tub Pusher.
5. Shri Radhey	Empty Tub Pusher.
6. Shri Sochan Ravidas	Empty Tub Pusher.
7. Shri Baleswar	Empty Tub Pusher.
8. Shri Chandraballi Jha	Underground Trammer.
9. Shri Lallo Yadav	Underground Trammer.
10. Shri Bankey Dhari	Underground Trammer.
11. Shri Dharamdas	General & Bailing Mazdoor.
12. Shri Anath	General & Bailing Mazdoor.
13. Shri Suresh Jha	General & Bailing Mazdoor.
14. Shri Baijnath Pathak	General & Bailing Mazdoor.
15. Shri Sadanand Jha	General & Bailing Mazdoor.
16. Shri Tetar Keot	Surface Trammer.
17. Shri Baijnath Keot	Surface Trammer.
18. Shri Bhutkun Das	Surface Trammer.
19. Shri Sitaram Yadav	Surface Trammer.
20. Shri Covin Keot	Surface Trammer.
21. Shri Ritia Keotin	Surface Trammer.
22. Shri Shyamlal Keot	Surface Trammer.
23. Shri Nunbati Dusadhin	Surface Trammer.

2. In due course notices were served upon the parties and they filed their respective written statements. The management, however, did not appear at the hearing to contest the case. Eventually it had to be heard *ex parte*.

3. It appears that on account of danger of inundation the Department of Mines had ordered the management to close the third shift of the Colliery from the 15th June to 31st October every year. In 1961 also as in previous years the third shift, that is to say, the night shift was closed in compliance with the above order. It is undisputed that the 51 workmen concerned in this case were working in the 3rd shift prior to the closure in 1961. On the 14th June, 1961 the management issued the following order:—

"In view of the fact that 3 shift workings of this mine had got to be closed under the orders of the Department of Mines as a safety measure commencing from 15th June 1961, to 31st October, 1961, we are constrained to give you compulsory leave as per the provisions of Standing Orders applicable to coal mines without any compensation in lieu thereof except as otherwise provided in the said provisions.

You are, however, requested to collect your wages etc. from the office before proceeding on leave on any day during office hours."

This notice was issued to all the 28 workers mentioned in Appendix I to the notification. With regard to the 23 workers mentioned in Appendix II, who admittedly were temporary workmen, an order of retrenchment was issued.

4. According to the contention of the union all these workmen could have been absorbed in the other two shifts and hence the order of compulsory leave as well as the order of retrenchment were illegal and arbitrary. It is submitted that all the permanent workmen should be given full wages and other benefits for the entire period of leave together with adequate compensation. As regards the temporary workmen the demand is that they should be absorbed in suitable vacancies and given 12 months' wages for sudden loss of jobs.

FINDINGS

Issue No. 1.—Consequent on the stoppage of work by the management of the third shift, as a temporary measure, with effect from the 15th June, 1961, whether the management is justified:

- (i) in forcing 28 permanent workmen mentioned in Appendix I below to proceed on leave; and
- (ii) in terminating the services of 23 temporary workmen mentioned in Appendix II below;

with effect from the aforesaid date.

5. There is evidence to show that all the 28 permanent workmen mentioned in Appendix I to the notification had completed more than one year's service at the time they were ordered to proceed on compulsory leave. The case of the management that the working of the 3rd shift had to be stopped as a temporary safety measure under the direction of the Department of Mines has not been disputed. The stoppage of the 3rd shift was bona fide and the management was, therefore, entitled to resort to lay-off the permanent workmen temporarily. Instead of doing that, the management however, compelled them to proceed on compulsory leave with a direction that they would not get any compensation. This was manifestly illegal. It was incumbent upon the management to lay-off these workmen with compensation as provided in Section 25C of the Industrial Disputes Act.

6. As regards the 23 temporary workmen the management was justified in passing an order of retrenchment. It is for the employer to determine the labour force necessary to carry on the business. In the present case the 3rd shift having been closed the management had no option but to reduce the staff. The retrenchment was, therefore, bona fide and the Tribunal cannot interfere with this order.

7. My finding, therefore, is that so far as the 28 permanent workmen are concerned the management was not justified in compelling them to proceed on leave. As to the temporary workmen it was justified in terminating their services.

Issue No. 2.—If not, was the management justified in not absorbing any of these workmen in suitable alternative jobs in the remaining two shifts?

8. The question now is whether the management could absorb the permanent workmen in suitable alternative jobs in the remaining two shifts. There is no doubt that in previous years the permanent workmen used to be absorbed in the other two shifts. Shri Sunil Sen, the Organising Secretary of Colliery Mazdoor Sabha (L.W. 1), stated that from 1956 to 1959 part of the workmen belonging to the 3rd shift used to be absorbed in alternative jobs. It appears that in 1960 also on the stoppage of the 3rd shift the permanent workmen were gradually absorbed in additional works of a seasonal nature and their compulsory idleness during the period of their unemployment was treated as lay-off. In 1961, however, the management failed to absorb these workmen in alternative jobs. The contention of the union is that this action of the management was mala fide. I find it difficult to accept this contention. It appears from the evidence of Shri Sunil Sen (L.W. 1) himself that simultaneously with the closure of the 3rd shift the management reduced the total strength of workmen in the other two shifts. He no doubt alleged that after the workmen were compelled to proceed on compulsory leave and orders of retrenchment were passed in regard to the temporary workmen the management engaged 40 to 50 men through contractors for such works as balling, empty tub-pushing, bagging and drilling work etc. The management has, however, denied the allegation and submitted that there were no suitable alternative jobs in which these workmen could be absorbed. Its case before the conciliation officer was that it had employed no contractors. Some workmen, it was stated, undoubtedly had been engaged on *hazri* and given heavy jobs according to necessity, such as, shifting of machinery, changing of ropes, taking out pumps etc. but those works were of a specific nature. I am unable to take exception to the employment of these workmen by the management for these specific heavy jobs in preference to those retrenched or to the permanent workmen who were made to proceed on leave. It was entirely a question of convenience and there is no justification for the assumption that the management was not acting bona fide. Quite apart from that the evidence shows that the work in this colliery was in a bad way. In fact it was completely closed under orders of the Mining Department with effect from the 18th August, 1961. In these circumstances I am not prepared to hold that there was scope for absorbing any of the workmen mentioned in Appendices I & II in suitable alternative jobs in the remaining two shifts. This issue is answered in the affirmative.

Issue No. 3.—What relief are these workers entitled to

9. So far as the temporary workmen are concerned they are obviously not entitled to any relief. In fact their cases have not been seriously pressed. As regards the permanent workmen they are entitled to compensation for lay-off u/s 25C of the Industrial Disputes Act. I direct the management to pay compensation to these workmen at 50% of the total of the basic wages and dearness allowance for 45 days. The management shall also pay costs to the union which

I assess at Rs. 200/-. This amount includes the adjournment cost granted to the union on 24th May 1962.

10. I give my award accordingly.

H. K. CHAUDHURY,
Central Govt. Industrial Tribunal,
Patna.

Recorded at my dictation & corrected by me
H. K. Chaudhuri,
P.O., Central Govt. I.T., Patna,
26-11-62.

[No. 1/34/61-LRII.]

S.O. 3838.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Orissa, Bhubaneswar, in the industrial dispute between the employers in relation to the Bisra Stone Lime Company Ltd., Birmitrapur and their workmen.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ORISSA,
BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 4 OF 1962.

Dated Bhubaneswar the 8th December 1962

PRESENT:

Shri I. C. Misra, M.A., B.L., Presiding Officer, Industrial Tribunal.

BETWEEN:

The Management of Bisra Stone Lime Company Ltd., Birmitrapur.—*First Party.*

AND

Their workmen.—*Second Party*

APPEARANCE:

Shri M. S. Bala, Law Officer of the Company.—*For the Management.*

Shri D. L. Sengupta, Advocate.—*For the workers.*

AWARD

The Government of India (Ministry of Labour and Employment) by its order dated 3rd July 1962 referred the following dispute between the Bisra Stone Lime Company Ltd., Birmitrapur and its workmen to this Tribunal for adjudication:—

- (1) Whether the Management of M/s. Bisra Stone Lime Company Ltd. is justified in not granting 2nd October as an additional paid holiday to its workmen?
- (2) If no, to what relief the workers of M/s. Bisra Stone Lime Company Ltd. are entitled?

2. The parties were duly given notice of this reference. The Secretary, Gangpur Labour Union, Birmitrapur submitted a written statement on behalf of the workmen. He states that since January, 1948 the Company introduced 11 festival holidays, reduced the same to 10 and subsequently tried to convert these holidays into leave under the Mines Act. This attempt of the Company could not succeed as the Industrial Tribunal (Central) held that the festival holidays allowed to the workmen had nothing to do with the statutory leave. Out of the 10 festival holidays, two were given up for the Independence Day (15th August) and the Republic Day (26th January) which are national festivals. The rest of 8 festival holidays are inadequate being 1/3rd of holidays under the Negotiable Instruments Act. 2nd of October is observed as a national festival all over the country to commemorate the birth day of Mahatma Gandhi, the father of the Nation. The Government of India and the State Governments declared 2nd October to be a public holiday. So, in September 1961, the Secretary requested the Management to declare 2nd October as a paid holiday. The Company did not accede to this request. Thereupon, the

workers in a concerted manner, abstained from work on that day. But they desired that full wages to all workmen should be paid for that day and 2nd October should be declared as a paid holiday for all future occasions.

3. The Superintendent, Mines and Quarries, Bisra Stone Lime Company Ltd. submitted a written statement on behalf of the Company. It was suggested that the Tribunal has no jurisdiction to adjudicate on the issue mentioned in the order of reference as there was no dispute between the Company and its workmen in this matter. The Labour Appellate Tribunal of India decided the question of festival holidays to be enjoyed by the workmen of this Company. The Award given in that dispute is still in force and is binding on both the parties. So, the Tribunal is estopped from considering this matter again. At the beginning of each year, the Company and the Union amicably settle those days which will constitute and be observed as 10 festival holidays given by the Award. The Union could have nominated the 2nd October in each year as one of the said 10 festival holidays. But the Company is not bound to give the 2nd October in each year as a holiday in addition to the 10 festival holidays. It is further submitted that the Company has already allowed quite a substantial number of holidays to its workmen. It is more than the number of festival holidays granted by any other Company in the region or approximate vicinity of this Company. So the Company's offer made to the workmen to include Mahatma Gandhi's birthday on the 2nd October in each year as one of the aforesaid 10 festival holidays is fair and just. The strike of the workmen on 2nd October 1961 was unnecessary and unjustified. It was also illegal. So they are not entitled to any relief.

FINDINGS

4. At the outset, it is necessary to examine the plea of *res judicata* advanced on behalf of the Management. It appears that the workmen used to enjoy 10 paid festival holidays since 1948 in consequence of some negotiation and agreement. Act XXXV of 1952 (Mines Act) came into force on 1-7-52. Section 51 of the said Act provides for leave with full pay or wages: 14 days in a year to monthly paid workers and 7 days in a year to weekly paid and other workers. Thereupon a dispute arose between the parties. It was whether the 10 off days enjoyed by the workmen for a year were by way of leave or festival holidays. The demand of the workmen was that 10 paid holidays per year, which they were enjoying prior to the passing of the Mines Act should be continued even after the coming into force of the Mines Act which newly introduced statutory annual leave. The Industrial Tribunal accepted this contention of the workmen and passed an Award which was upheld by the Labour Appellate Tribunal *vide* 1956-L.L.J., Part I, page 673. A perusal of the decision of the Labour Appellate Tribunal would show that the number of festival holidays to be allowed to the workmen of this concern was not in controversy between the parties at that time; far less, whether or not 2nd of October should be a paid holiday. Under the circumstances, the present reference is not hit by the principle of *res judicata*.

5. The plea of absence of jurisdiction of this Tribunal is equally untenable. On September 16, 1961, the Govt. of India (Ministry of Labour and Employment) issued a Press Note expressing its hope that the employers will treat 2nd October as an additional paid holiday and not as a substituted holiday. Thereupon, the Secretary of the Gangpur Labour Union requested the Company to declare 2nd October as a paid holiday on September 25, 1961 (Ext. A). The workers ceased to work on that day even though the Management did not accede to this request. The matter was referred to the Conciliation Officer (Central) Jharsuguda, who reported that the conciliation proceeding ended in failure (Ext. 16). I am, therefore, of opinion that there is a dispute regarding this matter between the Management and the workmen of Bisra Stone Lime Company Ltd., Birmitrapur and the Government of India was competent to refer this matter for adjudication to this Tribunal. A reference to the Third Schedule of Industrial Disputes Act would show that the Tribunal has jurisdiction to entertain this matter in controversy.

6. It is necessary to point out that Act XXXV of 1952 (Mines Act) does not fix the number of holidays to be enjoyed by labourers in mines. The Standing Orders for this Company (Ext. 18) do not deal with this subject. Holidays are allowed to workmen of different undertakings according to private treaty or industrial adjudication. It appears from the decision of the Labour Appellate Tribunal (1956-L.L.J., Part I, page 673) that the workmen under this Company "became entitled to the right to enjoy 10 festival holidays a year under a negotiated agreement and hence it became a condition of their service from

1948" This right can be infringed or augmented either by private treaty or adjudication. The parties could not settle if the number of paid festival holidays can be increased by one day more. Hence it will be seen if this can be done by adjudication.

7. Different Tribunals have taken different views on similar subject. 26th of January was declared as a holiday, but the Company desired the workmen to work instead on Sunday, the 27th January, 1952. The workers failed to do so. The Company refused them wages for 26th January. On these facts, it was observed that the Company in so acting failed to comply with the spirit of the Press Communiqué issued by the Government of India and Bombay. It is always conducive to industrial peace to observe common holidays in the same industrial area. So, the application for wages for that day was granted (1952-L.L.J., Part II, page 885—Textile Labour Association, Nadiad *versus* New Shorrock Spinning and Manufacturing Company Ltd., Bombay). The workmen of Titaghur Paper Mills claimed wages, for Mahatma Gandhi's birthday on 2nd October 1950, which was not among the notified festival and national holidays. The offer of the Company to substitute the holiday for another paid holiday was refused. It was alleged that the action on 2nd October was a strike, being a concerted refusal to work under a common understanding, and also not provoked by any unfair conduct on the part of the employer. So, workmen were denied wages for that day (1952-L.L.J., Part II, page 71—Titaghur Paper Mills Company Ltd. *versus* their workmen-Calcutta). In Biyani Engineering Works Ltd. *versus* their workers (1952-L.L.J., Part I, page 726-Madras) it was observed that national holidays were also festival holidays and as such will be included within the 10 paid festival holidays fixed as per the Standing Orders of the Company. The national holidays will not be in addition to these 10 festival holidays. The Labour Appellate Tribunal in Sri Dig Vijoy Cement Company Ltd., Sikha *versus* their workmen (1952-L.L.J., Part II, page 615) observed that the holidays for a concern have to be fixed so as to be in keeping with the holidays in other similar concerns in the region. The evidence of the Secretary of the Gangpur Labour Union (U.W.1) would show that the number of festival holidays for all the collieries in India including Rampur colliery was fixed at 7 by one and the same Award. There are comparatively smaller mines near Birmitrapur. They are Jhurmur Manganese Mines, Purunapani Lime Stone quarry and Lanjivarna Lime Stone quarry. Tatas have also their mines in this area. The Secretary, who on behalf of the workmen intended that 2nd October should be an additional paid holiday, did not try to know the number of festival holidays given to the workers in any of the above undertakings. On the other hand, the Management produced letters of reputed Companies in that region to show that none of them is so liberal in the matter of granting paid festival holidays to its workmen. Ext. 20 is a letter from the Chief Personnel Manager of the Tata Iron and Steel Company Ltd., Jamshedpur. It would appear from this letter that the workmen are given two festival holidays and two national holidays on 26th January and 15th August. 2nd October is not treated as an additional paid holiday there. Ext. 21 is a letter from the Personnel Manager of the Orissa Cement Ltd., Rajgangpur, which is about 40 miles away from Birmitrapur and in the same district. Here also 2nd October is not observed as a paid holiday. 26th January and 15th August are the two national paid holidays. In addition, only 4 paid holidays are allowed to the workmen. Ext. 23 is a copy of a circular of the Hindustan Steel Ltd., Rourkela. Here the workmen are allowed 5 holidays which include the three national holidays on 26th January, 15th August and 2nd of October for Gandhi Jayanti. In addition, the workmen are allowed to choose 4 more holidays out of a list of 10. Ext. 22 is a letter from the Personnel Superintendent of the Indian Aluminium Company Ltd., Hirakud. There the workmen enjoy only 8 festival holidays including the three national holidays. Copies of these letters were submitted by the Management along with its written statement. No attempt was made by the Union to show that the facts stated in these letters are inaccurate. It is, therefore, reasonable to conclude that the region in which Bisra Stone Lime Company Ltd. is operating, none of the big and solvent concerns allows its workmen more than 10 paid festival holidays, inclusive of national holidays. My attention was drawn to Enclosure B to the proceedings of the 8th meeting of the State Labour Advisory Board, Orissa, 1960 (Ext. G). It would appear from this enclosure that out of 46 only in 14 undertakings festival leave is allowed more than 10 days. These are not similar undertakings nor situate in the same region. As already indicated, workers in Coal Mines get only 7 paid festival holidays. In view of these circumstances, there is no sufficient ground to increase the number of the paid festival holidays including the national holidays to be enjoyed by the workmen of the Bisra Stone Lime Company Ltd. It is significant to note that the Government of India took the view at one stage that 10 paid holidays in a year is quite a substantial number (*vide* Ext. 13).

8. It is further to be mentioned that the workmen under this Company as was pointed out by the Labour Appellate Tribunal began to enjoy 10 holidays per annum from 1948, under a negotiated agreement, uninterruptedly as a condition of their service. Exts. 5 to 9 would show how every year at the beginning the Management enquires from the Secretary of the Union the various dates on which paid holidays are to be allowed to the workmen. It is not suggested that the workmen ever expressed their desire to enjoy 2nd October as a paid holiday during the period of past 12 years. It is not suggested that the Management has never turned down their proposal on this matter. It is only when in September, 1961, the Government of India and the Government of Orissa expressed their desire to treat 2nd of October as a paid holiday for the workers, a claim for additional paid holiday was advanced. The Management is willing to treat 2nd October as a paid holiday, but it submits that it should be one of the 10 holidays already fixed by agreement between the parties. In the absence of any cogent reason to increase the number I am of opinion that the suggestion made by the Management to treat 2nd October as a holiday in lieu of some other festival holiday out of 10 is reasonable. Already the workmen have agreed to forego two festivals in lieu of which they enjoy the Republic Day and the Independence Day. They can as well act accordingly for Gandhi Jayanti Day.

9. I, therefore, come to the conclusion that the Management of M/s. Bisra Stone Lime Company Ltd. is justified in not granting 2nd October as an additional paid holiday to its workmen. Consequently, the workmen, who ceased to work on 2nd October 1961, are not entitled to wages for that day. The workmen may be permitted to avail of the 2nd October as a paid holiday provided at the beginning of the year the Secretary of their Union includes it as one within the 10 paid festival holidays. The claim was advanced on behalf of the Union primarily because of the Press Notes issued by the Government. Consequently it should not be saddled with the cost of the reference. I direct that each party shall bear its own cost. An Award is passed accordingly. Send this Award to the Under Secretary to Government of India, Ministry of Labour and Employment, New Delhi, forthwith.

I. C. MISRA, Presiding Officer,
Industrial Tribunal, Orissa.

8-12-62.

[No. 22/14/62-LRII.]

ORDERS

New Delhi, the 14th December, 1962

S.O. 3839.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kendra Colliery of Messrs Samla Collieries Limited, Post Office Pandaveswar, District Burdwan, West Bengal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Kendra Colliery of Messrs Samla Collieries Limited was justified in terminating the services of Sarvashri Mohini Mohon Das and Mahabir Prasad Banswal before the expiry of the notice period? If not, to what relief are these two workmen entitled?

[No. 6/17/62-LRII.]

S.O. 3840.—Whereas an industrial dispute exists between the employers in relation to the Bokaro Colliery of the National Coal Development Corporation Limited and their workmen represented by the Colliery Mazdoor Sangh, (Hazariabagh Zone), Bermo (hereinafter referred to as the Union);

And whereas the said employers and the Union have under sub-section (2) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the dispute

to arbitration by an arbitration agreement and a copy of that agreement has been forwarded to the Central Government and was received by the Central Government on the 10th December, 1962;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act. the Central Government hereby publishes the said arbitration agreement.

FORM C.

(See Rule 7) Agreement

Under Section 10A of the Industrial Disputes Act, 1947

BETWEEN

NAMES OF PARTIES:—

Representing employers.—Management of the National Coal Development Corporation at Bokaro Colliery.

Representing workmen.—Shri B. Dubey, Vice-President, Colliery Mazdoor Sangh, (Hazariabagh Zone), Bermo.

It is hereby agreed between the parties to refer the following Industrial dispute to the arbitration of Shri L. P. Dave, at present Chairman of the Jute Wage Board and certain Plantation Wage Boards, at Calcutta.

- (1) Specific matter in dispute.
involved.

The workmen, namely Coal Cutters and Loaders in the quarries, contend that in reviewing their total emoluments weekly for the purpose of ensuring minimum guaranteed wages, in terms of para 765 of the Coal Award and para 195 of the L.A.T. decision, payment on account of lead and lift should be excluded.

The management on the other hand are of the opinion that in terms of the Coal Award and the L.A.T. decisions, these payments should be taken into account when undertaking such review.

- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Coal Cutters and Loaders of Bokaro Mine and the N.C.D.C. Management of the Bokaro Mine at Bokaro, P.O. Bermo, Dist. Hazariabagh, Bihar.

- (iii) Name of the Union, if any, representing the workmen in question.

Colliery Mazdoor Sangh, Bokaro Branch, Bermo, Dist. Hazariabagh, Bihar.

- (iv) Total number of workmen employed in the undertaking affected.

Approximately 7000.

- (v) Estimated number of workmen affected or likely to be affected by the dispute.

Approximately 3300 Coal Cutters and Loaders.

Representing employers:

Sd/- S. C. DEY,
10-9-62.

Chief Mining Engineer (B&K),
N.C.D.C., Kargali.

Representing workmen:

Sd/- B. DUBEY,
Vice-President, Colliery
Mazdoor Sangh, Hazariabagh
Zone, Bermo.

Witnesses:

- (1) Sd/- Illegible.
10-9-62.

- (2) Sd/- Illegible.
10-9-62.

New Delhi, the 18th December 1962

S.O. 3841.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Palana Colliery, Palana, Rajasthan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE.

Whether the management of Palana Colliery was justified in suspending the following workmen from the 4th to the 7th May, 1962 (both days inclusive) and in deducting their wages? If not, to what relief are they entitled?

1. Shri Phusa Ram S/o Adu Ram, coal cutter.
2. Shri Nanu Ram S/o Malu Ram, coal cutter.
3. Shri Laloo Ram S/o Shera Ram, coal cutter.
4. Shri Adu Ram S/o Pooran Ram, coal cutter.
5. Shri Nimba Ram S/o Nanu Ram, surface trammer.
6. Shri Heera Ram S/o Nanu Ram, coal cutter.

[No. 5/23/62-LRII.]

S.O. 3842.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Palana Colliery, Palana, Rajasthan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Palana Colliery was justified in issuing its order dated the 7th July, 1962 in case of Shri Narain Ram S/o Peera Ram requiring him to work as coal cutter or mason mazdoor in category I? If not, to what relief is he entitled?

[No. 5/25/62-LRII.]

S.O. 3843.—Whereas an industrial dispute between the employers in relation to the Palana Colliery, Palana, Rajasthan and its workmen in respect of the matters specified in the Schedule hereto annexed was referred for adjudication to the Industrial Tribunal, having headquarters at Jaipur, of which Shri Anand Narain Kaul was the Presiding Officer, by an order of the Government of India in the Ministry of Labour and Employment No. S.O. 375, dated the 23rd January, 1962 and the said dispute was pending before the said Tribunal;

And, whereas, the services of Shri Anand Narain Kaul as the presiding officer of the Industrial Tribunal with headquarters at Jaipur have ceased to be available;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute pending before the Industrial Tribunal having headquarters at Jaipur and transfers the same to the Industrial Tribunal, Delhi, constituted under section 7A of the Industrial Disputes Act, 1947, and directs that the Industrial Tribunal, Delhi, shall proceed with the said proceedings from the stage at which it is transferred to it and dispose of the same according to law.

SCHEDULE

Whether the action of the Mine Manager, Palana requiring Shri Adu Ram (son of Bhairuram), Chowkidar, to resume his duty as coal cutter in category V from 11th January, 1961, was *mala fide* and, if so, to what relief is he entitled?

[No. 2/126/61-LRII.]

S.O. 3844.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Palana Colliery, Palana, Rajasthan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Palana Colliery was justified in changing the category of Sarvashri Adu Ram, son of Puran Ram and Hardas Ram, son of Chena Ram, from category V (Coal Cutters) to category 1 (Surface mazdoors) by an office order dated the 25th June 1962? If not, to what relief are these workmen entitled?

[No. 5/26/62-LRII.]

S.O. 3845.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Palana Colliery, Palana, Rajasthan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Palana Colliery was justified in transferring Shri Khema Ram, Truck Mazdoor as Mason Mazdoor and in promoting Shri Kan Singh, Lamp Carrier as Truck Khallasi in preference to him? If not, to what relief is Shri Khema Ram entitled?

[No. 5/21/62-LRII.]

S.O. 3846.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhankri Mine of the Government of Rajasthan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohd. Abdul Razzaque, B.Sc., LL.B., (Retired Judge of Madhya Pradesh High Court) as the Presiding Officer, with headquarters at New Moti Bungalow, 46, Mahatma Gandhi Road, Indore City and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Whether a Contributory Provident Fund Scheme should be introduced for the workmen of the Bhankri Mine, P.O. Dausa, District Jaipur, Rajasthan? If so, what should be the details of such a Scheme.

2. Whether the management of Bhankri Mine were justified in refusing to grant an increase in the rates of wages to the garriwalas (cartmen). If not, to what relief they are entitled?

[No. 23/35/62-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 13th December 1962

S.O. 3847.—In pursuance of sub-rule (3) of rule 3 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Shri H. N. Trivedi, as a member of the Bombay Dock Labour Board vice Shri D. M. Tulpule, resigned, and directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2526, dated the 9th November, 1959, namely:

In the said notification, in the entries under the heading "*Members representing the dock workers*", in item (5), for the entry "Shri D. M. Tulpule", the entry "Shri H. N. Trivedi" shall be substituted.

[No. 519/7/60-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 13th December 1962

S.O. 3848.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri V. Ramanath, J. R. Surendranath and P. A. Natarajan to be Inspectors for the whole of the State of Madras for the purposes of the said Act and of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(7)/62-PF.I.]

S.O. 3849/PWA/Sec. 7(2)(ii)/62.—In pursuance of item (ii) of clause (ii) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (4 of 1936), as amended by sub-section (3) of section 6 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby prescribes the following conditions for making deductions from the wages of employed persons for contribution to the National Defence Fund or to any Defence Savings Scheme, approved by the State Government, with the written authorisation of the president or secretary of the registered trade union of which the employed person is a member, namely:—

- (a) the president or, in his absence, the secretary of such trade union shall forward,—
 - (i) in duplicate to the employer, a copy of the list of the employed persons who are members of the trade union indicating therein the amount or extent of deductions which are to be made from the wages of each employed person, and a copy of the resolution adopted at a meeting of such trade union authorising such deductions; and
 - (ii) a copy of the said list and resolution to the person who acts as an Inspector for the purposes of the Payment of Wages Act, 1936;
- (b) the employer shall display in a conspicuous place of the establishment one of the two copies of the said list and resolution received from the president or secretary, as the case may be, of the trade union, for at least a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employed persons;
- (c) if an employed person objects in writing to deductions being made from his wages upto the amount or extent of deductions indicated in the list displayed by the employer, no deductions shall be made from his wages except in accordance with the written authorisation of such employed person.

[No. 536/36/62-Fac.]

New Delhi, the 18th December 1962

S.O. 3850.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Narendra Kumar Basil to be an Inspector for the whole of the State of Punjab and the Union territory of Himachal Pradesh

for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a mine or an oil-field or a controlled industry.

[No. 21(8)62-PF.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 15th December 1962

S.O. 3851.—In exercise of the powers conferred by sub-section (1) of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with headquarters at Madurai and appoints Shri R. S. D. Mani, M.A., B.L., as the presiding officer of that Court.

[No. 70(18)/62-LRIV-I.]

ORDER

New Delhi, the 12th December 1962

S.O. 3852.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of Jaipur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. N. Ramaswami, shall be the Presiding Officer, with headquarters at First Line Beach, Madras-I and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the management of the State Bank of Jaipur was justified in discharging Shri Udai Chand Mehta, Assistant Accountant of Coimbatore Branch of the Bank from the service in February, 1959 and, if not, to what relief is he entitled?

[No. 10(136)/60-LRIV.]

G. JAGANNATHAN, Under Secy.

New Delhi, the 18th December 1962

S.O. 3853.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 30th December, 1962, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been

brought into force), and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of Erode and Pollachi and the areas lying on the outskirts of Madurai and Tiruppur in the State of Madras, namely:—

I. The areas comprised within the revenue villages of:

- (a) Erode;
 - (b) Surampatti;
 - (c) Perlasemur;
 - (d) Bramana Peria Agraharam; and
 - (e) Punjai Lakkapuram
- in Erode taluk, in Coimbatore District.

II. The areas comprised within the revenue villages of:

- (a) Pollachi;
 - (b) Sangampalayam;
 - (c) Sholapalayam;
 - (d) Puliampatti;
 - (e) Sinnampalayam;
 - (f) Makkinampatti;
 - (g) Kittasurampalayam; and
 - (h) Kottampatti
- in Pollachi taluk, in Coimbatore District.

III. The areas within the limits of the revenue villages of:

- (a) Arapalayam;
 - (b) Kokkulappal; and
 - (c) Ponmeni
- in Madurai taluk, Madurai District.

IV. The area comprised within the limits of revenue village of Velampalayam in Palladam taluk in Coimbatore District.

V. The area comprised within the limits of revenue village of Rakkiapalayam in Avanashi taluk in Coimbatore District.

[No. F. 13(17)/62-HI.]

O. P. TALWAR, Under Secy.

MINISTRY OF FINANCE

(Department of Revenue)

CUSTOMS

New Delhi, the 22nd December 1962

S.O. 3854.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby rescinds the notification of the Government of India in the late Finance Department (Central Revenues), No. 23-Cus., dated the 29th January, 1938.

[No. 196.]

S. VENKATESAN, Dy. Secy.

